

**1994**

# ***Illinois Register***

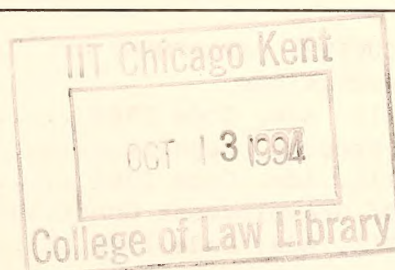
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**Rules of Governmental Agencies**

Volume 18, Issue 40— Oct. 07, 1994

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

120.346 Amendment  
120.347 New Section  
120.380 Amendment  
120.386 Amendment  
120.387 New Section  
120.TABLE A New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/12-13] and OBRA '93 (PL 103-66).

5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement provisions of OBRA '93 (P.L. 103-66) relating to the treatment of revocable and irrevocable trusts and the transfer of assets for persons residing in long term care facilities. This rulemaking also establishes the procedures used to determine the value of a life estate and remainder interest at the time the property is liquidated.

Treatment of Trusts Established On or After August 11, 1993

These proposed amendments define a trust as any arrangement in which a grantor transfers property to a trustee or trustees with the intention that it be held, managed or administered by the trustee or trustees for the benefit of the grantor or designated beneficiaries. A trust also includes any legal instrument or device that is similar to a trust, including an annuity.

A person is considered to have established a trust if assets of the person were used to form all or part of the principal of the trust and the trust is established (other than by will) by any of the following:

- 1) the person;
- 2) the person's spouse; or
- 3) any other person, including a court or administrative body, with legal authority to act on behalf of or at the direction of the person or the person's spouse.

For revocable trusts, the Department will:

- 1) treat the principal as an available asset;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

2) treat as income, payments from the trust that are made to or for the benefit of the person; and

3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387).

For irrevocable trusts, the Department will:

1) treat as an available asset the amount of the trust from which payment to or for the benefit of the person could be made;

2) treat as income payments from the trust that are made to or for the benefit of the person;

3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387); and

4) treat as a transfer of assets by the person the amount of the trust from which no payment could be made to the person under any circumstances (subject to the provisions of Section 120.387). The date of the transfer is the date the trust was established or, if later, the date that payment to the person was foreclosed. The amount of the trust is determined by including any payments made from the trust after the date that payment to the person was foreclosed.

Value of Life Estate and Remainder Interest

As a result of these proposed amendments, in determining the value of the life estate and remainder interest of the amount received, the Department will apply the values listed in 89 Ill. Adm. Code 120.Table A. The life estate and remainder interest are based on the age and sex of the person at the time the property is liquidated and the corresponding values described in 89 Ill. Adm. Code 120.Table A.

Property Transfers Occurring On or After August 11, 1993 for Residents of Long Term Care Facilities

These proposed amendments establish that a transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes the way property is held. For assets held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the persons ownership or control of the asset. This rulemaking also sets out the criteria used to determine that a transfer is allowable.

If it is determined that the transfer or transfers is not allowable, the resident will be subject to a period of ineligibility for long term care services. If otherwise eligible, residents remain entitled to other



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

covered medical services.

A separate penalty period is determined for each month in which it is determined that a transfer or transfers is not allowable. Each penalty period is the number of months equal to the total uncompensated amount of assets transferred during a month divided by the monthly cost of long term care (private rate) at the facility. The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends.

For transfers by the community spouse that result in a period of ineligibility for long term care services as described in Section 120.387(g) and the community spouse enters a long term care facility and becomes otherwise eligible for assistance, the Department will divide any remaining period of ineligibility for long term care services equally between the spouses.

Companion amendments are also being proposed in Section 113.140.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.30	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.345	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.382	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.388	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.389	Amendment	November 12, 1993 (17 Ill. Reg. 19445)
120.390	Amendment	November 12, 1993 (17 Ill. Reg. 19445)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

this notice.

- 12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:



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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF PUBLIC AID

## SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 120

## MEDICAL ASSISTANCE PROGRAMS

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## SUBPART B: ASSISTANCE STANDARDS

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120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
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120.50 AMI Income Standard

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AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg.



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38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706,

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effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12833, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; maximum of 150 days; amended at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; maximum of 150 days; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective July 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendments at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 15866, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at



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14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

## Section 120.346 Medicaid Qualifying Trusts

- a) This Section applies to trusts established prior to August 11, 1993.
- b) The maximum amount of payment permitted under the terms of a Medicaid qualifying trust (described in subsection (c) ~~(b)~~ below) shall be considered in determining eligibility for medical assistance, whether or not the maximum amount was distributed to the individual. The maximum amount is considered in determining eligibility for medical assistance, whether or not the trust is irrevocable or established for reasons other than to qualify for Medicaid.
- c) ~~b~~ A Medicaid qualifying trust is a trust, or similar legal device, established (other than by will) by an individual (or an individual's spouse) under which the individual may be the beneficiary of all or part of the payments from the trust and the distribution of such payments is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the individual.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 120.347 Treatment of Trusts

- a) This Section applies to trusts established on or after August 11, 1993.
- b) A trust is any arrangement in which a grantor transfers property to a trustee or trustees with the intention that it be held, managed or administered by the trustee or trustees for the benefit of the grantor or designated beneficiaries. A trust also includes any legal

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instrument or device that is similar to a trust, including an annuity.

c) A person shall be considered to have established a trust if assets of the person were used to form all or part of the principal of the trust and the trust is established (other than by will) by any of the following:

- 1) the person;
- 2) the person's spouse; or
- 3) any other person, including a court or administrative body, with legal authority to act on behalf of or at the direction of the person or the person's spouse.

d) This Section does not apply to the following trusts:

- 1) an irrevocable trust containing assets of a disabled person (as described in Section 120.314) under age 65 that is established by a parent, grandparent, legal guardian or court for the benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) shall be paid to the Department upon the death of the person. This exclusion continues after the person reaches age 65 as long as the person continues to be disabled but any additions made by the person to the trust after age 65 will be treated as a transfer of assets under 89 Ill. Adm. Code 120.387. If the trust contains proceeds from a personal injury settlement, any Department charge (as described at 89 Ill. Adm. Code 102.260) must be satisfied in order for the trust to be excluded under this subsection; or
- 2) an irrevocable trust containing assets of a disabled person (as described in Section 120.314) that is established and managed by a non-profit association that pools funds but maintains a separate account for each beneficiary that is established by a parent, grandparent, legal guardian or court for the benefit of the disabled person, if language contained in the trust stipulates that any amount remaining in the trust (up to the amount expended by the Department on medical assistance) that is not retained by the trust shall be paid to the Department upon the death of the person.
- e) Subsections (f) and (g) below apply to the portion of the trust attributable to the person and without regard to:
  - 1) the purpose for establishment of the trust;
  - 2) whether the trustee has or exercises any discretion under the trust; or
  - 3) whether there are any restrictions on distributions or use of distributions from the trust.
- f) For revocable trusts, the Department shall:
  - 1) treat the principal as an available asset;
  - 2) treat as income, payments from the trust that are made to or for the benefit of the person; and
  - 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387).



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## g) For irrevocable trusts, the Department shall:

- 1) treat as an available asset the amount of the trust from which payment to or for the benefit of the person could be made;
  - 2) treat as income payments from the trust that are made to or for the benefit of the person;
  - 3) treat any other payments from the trust as transfers of assets by the person (subject to the provisions of Section 120.387); and
  - 4) treat as a transfer of assets by the person the amount of the trust from which no payment could be made to the person under any circumstances (subject to the provisions of Section 120.387).
- The date of the transfer is the date the trust was established or, if later, the date that payment to the person was foreclosed. The amount of the trust is determined by including any payments made from the trust after the date that payment to the person was foreclosed.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.380 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility for MANG.
- b) MANG(C) -- Treatment of jointly held assets for AFDC MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150.
- c) AABD MANG -- Treatment of jointly held assets for AABD MANG shall be treated in the same manner as described in 89 Ill. Adm. Code 113.140.
- d) MANG(P) -- Treatment of ~~non-exempt~~ nonexempt jointly held assets (excess equity value of motor vehicle, liquid assets such as cash on hand or in banks and savings institutions, stocks, bonds, savings certificates and other securities) shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150.
- e) Treatment of potential payments from a Medicaid qualifying trust for AABD MANG and AFDC MANG(C) shall be treated in the same manner as described in Section 120.346.
- f) Trusts established on or after August 11, 1993, shall be treated in the manner described in Section 120.347.

g) The value of a life estate shall be determined at the time the property (for example, assets) is liquidated. In determining the value of a life estate and remainder interest of the amount received, the Department shall apply the values described in Section 120.346. The life estate and remainder interest are based on the age and sex of the person at the time the property is liquidated and the corresponding values described in Section 120.346.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.386 Property Transfers Occurring On or Before August 10, 1993

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## a) Applicability

- 1) The provisions for the transfer of property (~~are~~ for example, assets) in this Section apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
  - 2) Transfers of property disregarded as a result of payments made by a Long-Term Care Partnership Insurance Policy (as described in 50 Ill. Adm. Code 2018) are not subject to the provisions of subsection (b), (c), and (d) of this Section.
  - 3) The provisions for the transfer of property (~~are~~ for example, assets) in this Section apply to a resident's spouse when the resident applies for Medicaid on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application for Medicaid is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.
  - 4) The provisions for the transfer of property (~~are~~ for example, assets) in this Section do not apply to eligibility determinations for individuals who reside in the community.
- b) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (~~are~~ for example, change from joint tenancy to tenancy in common) the way property is held.
  - c) A transfer is allowable if:
    - 1) the transfer occurred more than 30 months before the date of application or more than 30 months before entry into the long term care facility;
    - 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;
    - 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (~~are~~ for example, bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
  - 4) homestead property was transferred to:
    - A) a spouse;
    - B) the individual's child who is under age 21;
    - C) the individual's child who is blind or permanently and totally disabled;
    - D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or
    - E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2)



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years immediately prior to the date the individual entered the facility;

- 5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described in Section 120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse;
- 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 7) the individual intended to transfer the assets for fair market value;
- 8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
  - A) the resident is mentally unable to explain how the assets were transferred;
  - B) the denial of assistance would force the resident to move from the long term care facility; or
  - C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;
- 9) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;
- 10) the transfer by the resident was to the community spouse and was the result of a court order;
- 11) the individual did not consent to or assist in the transfer (for example, a joint bank account in which monies are withdrawn without the permission of the individual).

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- d) Transfers of assets which do not meet the provisions of subsection (c) are considered as a single transfer of the total amount of assets with the period of ineligibility determined in accordance with subsection (e).
- e) If the transfers does transfer or transfers do not meet the provisions of subsection (c), the resident is ineligible beginning with the month of the first transfer and until whichever occurs first:
  - 1) the number of months the total uncompensated amount of the transferred assets would meet the monthly cost of long term care (private rate) at the facility; or
  - 2) the end of 30 months from the month of the transfer.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### Section 120.387 Property Transfers Occurring On or After August 11, 1993

- a) The provisions for the transfer of property (for example, assets) listed below apply to residents of long term care facilities, including residents who were living in the community at the time of the transfer, when the transfer occurs on or after August 11, 1993.
- b) The provisions for the transfer of property (for example, assets) listed below apply to the transfer of property by the resident's spouse in the same manner as if the resident transferred the property.
- c) The provisions for the transfer of property (for example, assets) listed below do not apply to eligibility determinations for persons who reside in the community.
- d) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (for example, change from joint tenancy to tenancy in common) the way property is held. For assets held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the persons ownership or control of the asset.
- e) A transfer is allowable if:
  - 1) depending on the property transferred, the transfer occurred more than either 60 or 36 months before the date of application or more than either 60 or 36 months before entry into a long term care facility.
    - A) the 60 month period applies to payments from a revocable trust that are not treated as income (as described in Section 120.347) and to portions of an irrevocable trust from which no payments could be made (as described in Section 120.347).
    - B) the 36 month period applies to payments from an irrevocable trust that are not treated as income (as described in Section 120.347) and to any other property transfers not identified in this subsection;
  - 2) a fair market value was received. Fair market value is the price



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that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (for example, bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values:

3) homestead property was transferred to:

- A) a spouse;
- B) the person's child who is under age 21;
- C) the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314);
- D) the person's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one year immediately prior to the date the person entered the facility; or
- E) the person's child who provided care for the person and who was residing in the homestead property for two years immediately prior to the date the person entered the facility;

4) the transfer by the resident was to the community spouse or to another person for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any nonexempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described in Section 120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse;

5) the transfer from the community spouse was to another person for the sole benefit of the community spouse; or6) the transfer was to the person's child or to a trust established solely for the benefit of the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314) or to another person for the sole benefit of the person's child;7) the transfer was to a trust established solely for the benefit of a person under age 65 who is disabled (as described in Section

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## 120.314):

- 8) the person intended to transfer the assets for fair market value;
- 9) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:

- A) the resident is mentally unable to explain how the assets were transferred;
- B) the denial of assistance would force the resident to move from the long term care facility; or
- C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his or her family;

- 10) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;

- 11) the transfer by the resident was to the community spouse and was the result of a court order; or

- 12) the assets transferred for less than fair market value have been returned to the person.

- f) If a transfer or transfers do not meet the provisions of subsection (e), the resident is subject to a period of ineligibility for long term care services. The penalty period is determined in accordance with subsection (g). If otherwise eligible, residents remain entitled to other covered medical services.

- g) A separate penalty period is determined for each month in which a transfer or transfers do not meet the provisions of subsection (e). Each penalty period is the number of months equal to the total uncompensated amount of assets transferred during a month divided by the monthly cost of long term care (private rate) at the facility.

- h) The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends.

- i) For transfers by the community spouse that result in a period of ineligibility for long term care services as described in subsection (g) and the community spouse enters a long term care facility and becomes otherwise eligible for assistance, the Department shall divide any remaining period of ineligibility for long term care services equally between the spouses.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 120. TABLE A Value of a Life Estate and Remainder Interest

MALE				FEMALE			
Age	Life Estate	Remainder	Age	Life Estate	Remainder	Age	Life Estate
0	.93705	.062950	0	.95383	.04617	43	.75944
1	.96217	.037831	1	.9737	.0263	44	.74891
2	.9617	.0383	2	.97372	.02628	45	.73808
3	.96053	.03947	3	.97308	.0269	46	.72695
4	.95905	.04095	4	.97207	.02793	47	.71552
5	.95732	.04268	5	.9711	.0289	48	.70385
6	.9554	.0446	6	.96989	.03011	49	.69198
7	.95331	.04669	7	.96853	.03147	50	.67997
8	.95105	.04895	8	.96703	.03297	51	.66785
9	.94861	.05139	9	.96541	.03459	52	.6556
10	.94598	.05402	10	.96365	.03635	53	.6432
11	.94316	.05684	11	.96176	.03824	54	.6306
12	.94019	.05981	12	.95975	.04025	55	.61776
13	.93708	.06292	13	.95764	.04236	56	.60466
14	.93391	.06609	14	.95543	.04457	57	.59131
15	.93069	.06931	15	.95314	.04686	58	.57778
16	.92746	.07254	16	.95076	.04924	59	.56417
17	.92419	.07581	17	.94829	.05171	60	.55052
18	.92089	.07911	18	.94572	.05428	61	.53687
19	.91751	.08249	19	.94303	.05697	62	.52321
20	.91403	.08597	20	.94021	.05979	63	.50954
21	.91046	.08954	21	.93724	.06276	64	.49585
22	.90678	.09322	22	.93412	.06588	65	.48212
23	.90292	.09708	23	.93085	.06915	66	.46836
24	.89884	.10116	24	.92735	.07265	67	.45458
25	.89445	.10555	25	.92375	.07625	68	.44077
26	.88972	.11028	26	.91993	.08007	69	.42689
27	.88465	.11535	27	.91591	.08409	70	.41294
28	.87925	.12075	28	.91168	.08832	71	.39889
29	.87353	.12647	29	.90721	.09279	72	.38474
30	.8675	.1325	30	.90258	.09742	73	.37051
31	.86117	.13883	31	.89773	.10227	74	.35624
32	.85451	.14549	32	.89265	.10735	75	.34194
33	.84752	.15248	33	.88733	.11267	76	.32761
34	.8402	.1598	34	.88176	.11824	77	.31327
35	.83255	.16745	35	.87593	.12407	78	.29895
36	.82455	.17545	36	.86985	.13015	79	.28481
37	.81622	.18378	37	.86349	.13651	80	.27098
38	.80755	.19245	38	.85687	.14313	81	.25773
39	.79854	.20146	39	.84998	.15002	82	.24527
40	.78923	.21077	40	.84281	.15719	83	.23354
41	.7796	.2204	41	.83536	.16464	84	.22217
42	.76967	.23033	42	.82764	.17236	85	.21070

MALE				FEMALE			
Age	Life Estate	Remainder	Age	Life Estate	Remainder	Age	Life Estate
43	.75944	.24056	43	.81962	.18038	87	.19674
44	.74891	.25109	44	.81131	.18869	88	.18674
45	.73808	.26192	45	.80269	.19731	89	.17674
46	.72695	.27305	46	.79374	.20626	90	.16674
47	.71552	.28448	47	.78448	.21552	91	.15674
48	.70385	.29615	48	.77488	.22512	92	.14674
49	.69198	.30802	49	.76498	.23502	93	.13674
50	.67997	.32003	50	.75476	.24524	94	.12674
51	.66785	.33215	51	.74423	.25577	95	.11674
52	.6556	.3444	52	.73339	.26661	96	.10674
53	.6432	.3568	53	.7222	.2778	97	.09674
54	.6306	.3694	54	.71062	.28938	98	.08674
55	.61776	.38224	55	.69859	.30141	99	.07674
56	.60466	.39534	56	.68612	.31388	100	.06674
57	.59131	.40869	57	.67320	.32680		
58	.57778	.42222	58	.65988	.34012		
59	.56417	.43583	59	.64622	.35378		
60	.55052	.44948	60	.63226	.36774		
61	.53687	.46313	61	.61803	.38197		
62	.52321	.47679	62	.60352	.39648		
63	.50954	.49046	63	.58871	.41129		
64	.49585	.50415	64	.57355	.42645		
65	.48212	.51788	65	.55803	.44197		
66	.46836	.53164	66	.54211	.45789		
67	.45458	.54542	67	.52583	.47417		
68	.44077	.55923	68	.50924	.49076		
69	.42689	.57311	69	.49241	.50759		
70	.41294	.58706	70	.47540	.52460		
71	.39889	.60111	71	.45823	.54177		
72	.38474	.61526	72	.44088	.55912		
73	.37051	.62949	73	.42341	.57659		
74	.35624	.64376	74	.40587	.59413		
75	.34194	.65806	75	.38833	.61167		
76	.32761	.67239	76	.37073	.62927		
77	.31327	.68673	77	.35307	.64693		
78	.29895	.70105	78	.33546	.66454		
79	.28481	.71519	79	.31811	.68189		
80	.27098	.72902	80	.30117	.69883		
81	.25773	.74227	81	.28489	.71511		
82	.24527	.75456	82	.26935	.73065		
83	.23354	.76646	83	.25439	.74561		
84	.22217	.77783	84	.23956	.76044		
85	.21070	.78930	85	.22441	.77559		
86	.19955	.80045	86	.21010	.78990		
87	.18820	.81130	87	.19674	.80326		



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MALE			FEMALE		
Age	Life Estate	Remainder	Age	Life Estate	Remainder
88	.17872	.82178	88	.18431	.81569
89	.16831	.83169	89	.17285	.82715
90	.15922	.84078	90	.16241	.83759
91	.15097	.84903	91	.15301	.84699
92	.14350	.85650	92	.14470	.85530
93	.13681	.86319	93	.13741	.86259
94	.13081	.86919	94	.13103	.86897
95	.12535	.87465	95	.12535	.87465
96	.11998	.88002	96	.11998	.88002
97	.11487	.88513	97	.11487	.88513
98	.10999	.89001	98	.10999	.89001
99	.10532	.89468	99	.10532	.89468
100	.10087	.89913	100	.10087	.89913
101	.09661	.90339	101	.09661	.90339
102	.09250	.90750	102	.09250	.90750
103	.08846	.91154	103	.08846	.91154
104	.08439	.91561	104	.08439	.91561
105	.08000	.92000	105	.08000	.92000
106	.07471	.92529	106	.07471	.92529
107	.06718	.93282	107	.06718	.93282
108	.05426	.94574	108	.05426	.94574
109	.02830	.97170	109	.02830	.97170

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.569  
Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments change the requirements for review of utilization of services provided in the Exceptional Care Program. Currently, requirements according to Section 140.569 specify that the Department shall review exceptional care residents' utilization of services every 90 days. The review may be waived if at least three previous assessments have shown that a resident's condition has stabilized.  
  
Changes in review requirements are now being initiated because Department staff believe the current requirements are excessive, and the Fiscal Year 92-93 Auditor General's Financial/Compliance Report recommended that the Department implement procedures to ensure that all reviews required in the Exceptional Care Program are performed according to State regulations. Therefore, requirements for review of utilization of services are being reduced. Under the proposed amendments, a review may be waived when one or more previous assessments have established that a resident's condition has stabilized. Additionally, several technical changes are being made in Section 140.569.  
  
These proposed amendments will not result in any additional Department spending.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.413	Amendment	July 8, 1994 (18 Ill. Reg. 10637)
140.440	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.442	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.443	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.514	Amendment	June 24, 1994 (18 Ill. Reg. 9296)



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140.535	Amendment	July 15, 1994 (18 Ill. Reg. 11088)
140.538	Amendment	June 24, 1994 (18 Ill. Reg. 9296)
140.578	Amendment	July 15, 1994 (18 Ill. Reg. 11088)
140.850	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.855	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.860	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.865	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.865	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.870	Amendment	March 25, 1994 (18 Ill. Reg. 4597)
140.870	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.875	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.880	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.885	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.890	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.895	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.Table K	Repeal	June 24, 1994 (18 Ill. Reg. 9296)
140.Table L	Repeal	June 24, 1994 (18 Ill. Reg. 9296)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: September 21, 1994

B) Types of small businesses affected: Nursing facilities

C) Reporting, bookkeeping or other procedures required for

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compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

140.1 Incorporation By Reference  
140.2 Medical Assistance Programs  
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-WANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)  
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
140.5 Covered Medical Services Under GA  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight  
140.8 Medical Assistance For Qualified Severely Impaired Individuals  
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

140.11 Enrollment Conditions for Medical Providers  
140.12 Participation Requirements for Medical Providers  
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140.14 Denial of Application to Participate in the Medical Assistance Program  
140.15 Recovery of Money  
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program  
140.18 Effect of Termination on Individuals Associated with Vendor  
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
140.20 Submittal of Claims  
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
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140.23 Payment of Claims  
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140.40 Prior Approval for Medical Services or Items  
140.41 Prior Approval in Cases of Emergency  
140.42 Limitation on Prior Approval  
140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained  
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
140.72 Voucher Advance Payment and Expedited Payments  
140.73 Drug Manual (Recodified)  
Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

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140.80 Hospital Provider Fund  
140.82 Developmentally Disabled Care Provider Fund  
140.84 Long Term Care Provider Fund  
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
140.95 Hospital Services Trust Fund  
140.96 General Requirements (Recodified)  
140.97 Special Requirements (Recodified)  
140.98 Covered Hospital Services (Recodified)  
140.99 Hospital Services Not Covered (Recodified)  
140.100 Limitation On Hospital Services (Recodified)  
140.101 Transplants (Recodified)  
140.102 Heart Transplants (Recodified)  
140.103 Liver Transplants (Recodified)  
140.104 Bone Marrow Transplants (Recodified)  
140.110 Disproportionate Share Hospital Adjustments (Recodified)  
140.116 Payment for Inpatient Services for GA (Recodified)  
140.117 Hospital Outpatient and Clinic Services (Recodified)  
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
140.203 Limits on Length of Stay by Diagnosis (Recodified)  
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)



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140.350 Copayments (Recodified)  
 140.360 Payment Methodology (Recodified)  
 140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post June 30, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
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 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
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 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
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 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
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140.645 Medical and In-Home Care for Disabled Persons Under Age 21 (Model Waiver)

140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/WR) Facilities

140.647 Description of Developmental Training (DT) Services

140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs

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140.680 Effective Date Of Payment Rate

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140.830 Appeals of Rate Determinations

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140.885 Provider Responsibilities

140.890 Payment Methodology

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## SUBPART G: HEALTHY MOMS/HEALTHY KIDS PROGRAM

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140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)

140.901 Functional Areas of Needs (Recodified)

140.902 Service Needs (Recodified)

140.903 Definitions (Recodified)

140.904 Times and Staff Levels (Repealed)

140.905 Statewide Rates (Repealed)

140.906 Reconsiderations (Recodified)

140.907 Midnight Census Report (Recodified)

140.908 Times and Staff Levels (Recodified)

140.909 Statewide Rates (Recodified)

140.910 Referrals (Recodified)

140.911 Basic Rehabilitation Aide Training Program (Recodified)

140.912 Interim Nursing Rates (Recodified)

140.920 General Description

140.922 Covered Services

140.924 Provider Participation

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140.928 Client Enrollment and Program Components

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140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)

140.942 Definition of Terms (Recodified)

140.944 Notification of Negotiations (Recodified)

140.946 Hospital Participation in ICARE Program Negotiations (Recodified)

140.948 Negotiation Procedures (Recodified)

140.950 Factors Considered in Awarding ICARE Contracts (Recodified)

140.952 Closing an ICARE Area (Recodified)

140.954 Administrative Review (Recodified)

140.956 Payments to Contracting Hospitals (Recodified)

140.958 Admitting and Clinical Privileges (Recodified)

140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)

140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)

140.964 Contract Monitoring (Recodified)

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140.968 Validity of Contracts (Recodified)

140.970 Termination of ICARE Contracts (Recodified)

140.972 Hospital Services Procurement Advisory Board (Recodified)

140.980 Elimination Of Aid To The Medically Indigent (AMI) Program

140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age

TABLE A Medichuk Recommended Screening Procedures (Repealed)

TABLE B Health Service Areas

TABLE C Capital Cost Areas

TABLE D Schedule of Dental Procedures

TABLE E Time Limits for Processing of Prior Approval Requests

TABLE F Podiatry Service Schedule

TABLE G Travel Distance Standards

TABLE H Areas of Major Life Activity

TABLE I Staff Time and Allocation for Training Programs (Recodified)

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## TABLE K Services Qualifying for 10% Add-On

## TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On

## TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1993, ch. 111 1/2, par. 6503-1 et seq.) (20 ILCS 2215/Art. III) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII, and 12-13].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6795, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 19, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 29, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill.

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Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988,



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for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2175, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 2564, effective February 21, 1990; amended at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 18057, effective October 12, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264,

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effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16355, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



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SUBPART E: GROUP CARE

## Section 140.569 Clients With Exceptional Care Needs

## a) Exceptional Care Program

1) Pursuant to Section 5-5A 5-5.8a of the Illinois Public Aid Code [305 ILCS 5/5-5.8a] ~~that~~ ~~Rev-Stat-1999~~ ~~ch--237--par--5-5A~~, the Department may make payments to nursing facilities which substantially meet licensure and certification requirements as may be prescribed by the Department of Public Health. For purposes of this Section, substantial compliance shall mean:

- A) ~~facility~~ ~~Facility~~ does not have Type A ~~violations~~ ~~violations~~;
- B) ~~facility~~ ~~Facility~~ is currently enrolled in the Medical Assistance Program;
- C) ~~facility~~ ~~Facility~~ is licensed by the Department of Public Health;
- D) ~~facility~~ ~~Facility~~ does not have a conditional license;
- E) ~~facility~~ ~~Facility~~ must provide reasonable access to Medicaid patients. Access will be considered reasonable when:
  - i) Medicaid recipients constitute at least 25% of facility's average daily census; or
  - ii) ~~the~~ proportion of Medicaid recipients in the census has increased at least two percentage points over the previous year; or
  - iii) ~~the~~ ~~Facility~~ can demonstrate that it admits patients without regard to income or Medicaid eligibility or to some other criteria which in essence prioritize admissions on the basis of financial resources. The basis for determining priority of admission must be expressed in policy. Records documenting consistent application of the policy must be maintained;
- F) ~~facility~~ ~~Facility~~ meets at least 92% of patient needs based on the last IOC assessment conducted.

2) The Department may, but is not required to, enter into contracts with facilities offering exceptional medical services, referred to herein as Providers.

3) Exceptional medical care is defined as the level of medical care required by persons who require a multi-disciplinary level of care for physician, nurse and ancillary specialist services and/or exceptional costs related to extraordinary equipment and/or supplies that have been determined to be a medical necessity. Beginning July 1, 1991, this may apply to Medicaid patients who are being discharged from the hospital or Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility. This includes but is not limited to persons with acquired immune deficiency syndrome (AIDS) or related condition, head-injured persons, and ventilator dependent

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persons. In order for a person to be assessed for exceptional care placement the hospital must be entitled to receive Medicaid reimbursement as the primary source of payment for this person.

- 4) The Department shall negotiate with nursing home ~~providers~~ ~~Providers~~ and enter into a contract with ~~providers~~ ~~Providers~~. The rate of payment will be reasonable and adequate to meet the costs incurred by the facilities providing exceptional care. Providers may negotiate separate facility wide rates for separate types of care. In determining the rate of payment to a facility, the Department shall take into account cost information submitted by the facility.
- b) Exceptional Care Contract Requirements
 

The Department may enter into a contract for exceptional care services only if the ~~provider~~ ~~Provider~~ agrees to the following conditions:

  - 1) The ~~Provider~~ ~~provider~~ will maintain separate records regarding costs related to the care of the exceptional care residents, reporting them in the ancillary section of the Department Long Term Care Facility Cost Reports.
  - 2) The facility must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Public Aid records.
  - 3) The ~~provider~~ ~~Provider~~ must maintain and provide documentation demonstrating:
    - A) Adherence to staffing requirements as set out in subsection (c) of this Section;
    - B) Adherence to staff training requirements as set out in subsection (d) of this Section;
    - C) Validity of written agreements as required in subsection (e) of this Section;
    - D) Presence of emergency policy and procedures as set out in subsection (f) of this Section;
    - E) Medical condition of the resident; and
    - F) Care, treatments and services provided to the resident.
  - 4) The ~~Provider~~ ~~provider~~ must have and maintain physical plant adaptations to accommodate the necessary equipment.
  - 5) The ~~Provider~~ ~~provider~~ must have and maintain an emergency electrical backup system.
- c) Exceptional Care Staffing Requirements
 

Staffing requirements for facilities providing exceptional care include:

  - 1) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health and set out in 77 Ill. Adm. Code 300.1240 or 250.910 (e) and (f)(1) as appropriate). Additional RN staff may be determined necessary by the Department of Public Aid, based on the Department's review of the individual exceptional care ~~clients~~ ~~clients'~~ client's needs and/or the exceptional care needs relative to the category of services being contracted for.
  - 2) A minimum of the required number of LPN staff (as required by the



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Department of Public Health ~~and--set-out in 77 Ill. Adm. Code 300.1230 and 300.1240 or 250.910 (e) and (f)(1) as appropriate),~~ on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week; and

- 3) A certified respiratory therapy technician or registered respiratory therapist, on staff or on contract with the facility, for those facilities serving ventilator dependent residents or residents requiring respiratory therapy services.

d) Training requirements for Facilities Providing Exceptional Care ~~facilities---providing---exceptional--care for Ventilator Dependent Residents ventilator-dependent-residents-include:~~

- 1) At least one of the full-time professional nursing staff members has successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist ~~as-certified/registered-by--the Department--of-Professional-Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons, and~~

- 2) All staff caring for ventilator dependent residents must have documented inservice training in ventilator care prior to providing such care. Inservice training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist ~~as-certified/registered-by-the Department-of-Professional-Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of presentation and signature and position description of all participants.~~

e) Exceptional Care Agreement Requirements

The Provider Provider must have a valid written agreement with:

- 1) A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;

- 2) A local emergency transportation provider;

- 3) A local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and

- 4) A certified respiratory therapy technician or registered respiratory therapist, (unless a respiratory therapist is on staff within the facility) when accepting ventilator dependent residents or residents requiring respiratory therapy services.

f) Exceptional Care Emergency Policy and Procedures Requirements

The Provider Provider must have specific written policies and procedures addressing emergency needs for residents requiring exceptional care.

g) Accessibility to Records

The Provider Provider must make accessible to IDPA and/or IDPH all

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facility, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of exceptional care services.

h) Contract Negotiations

- 1) A Provider Provider shall notify the Department of its interest in participating in the Exceptional Care Program in writing by certified or registered mail, return receipt requested.
- 2) Negotiations between the Provider Provider and the Department shall be conducted solely on an individual facility basis. Multiple facility negotiations shall not be permitted.

- 3) Prior to the beginning of negotiations, the Provider Provider shall submit to the Department a completed Exceptional Care Data Sheet. The Department shall furnish such Data Sheet. The Exceptional Care Data Sheet shall require:

- A) Identification of the types, quantities and costs of services which the Provider Provider intends to offer;
- B) A staffing plan for the area of the facility serving exceptional care residents; and
- C) Documentation of the qualifications of staff serving exceptional care residents.

- 4) The Department shall provide each Provider Provider which has notified the Department of its interest in participation in the Exceptional Care Program with a copy of the proposed contract provisions by mailing such proposed contract provisions to the Provider. Each contract shall be for a period of one year.

i) Renewal/Nonrenewal of Exceptional Care Contracts

- 1) Providers desirous of renewing exceptional care contracts must contact the Department in writing ~~sixty-sixty~~ 60 days prior to the expiration date of the contract to express their intent to renew the contract.

- 2) Upon receipt of the providers' Providers intent to renew their contract, the Department shall open negotiations as set forth in subsection (h) of this Section.

- 3) Providers desiring to terminate or not renew their contract shall notify the Department ~~sixty--60~~ 60 days prior to the date of termination or contract expiration. Payment for new admissions at an exceptional care rate will not be made to those providers Providers who do not have a valid exceptional care contract. Payment for exceptional care residents in facilities which terminate or do not renew their contracts will remain at the previous exceptional care rate until such time as the resident no longer requires exceptional care as determined by the Department's utilization review (see Contract Monitoring, subsections (1)(2) and (3) of this Section 2-and-3) or the resident is discharged.

- 4) It is the responsibility of a nursing home Provider Provider to effect appropriate discharge planning for exceptional care residents when terminating or not renewing its contract. The Department agrees to assist providers Providers with any



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information available regarding appropriate placement settings.

- j) Determining Eligibility ~~eligibility~~ for Exceptional Care Payment ~~exceptional-care-payment~~.

1) A person being discharged from a hospital must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment. Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility must be approved by an authorized Department representative approximately 30 days prior to the date Medicaid payment will begin.

2) Beginning July 1, 1991, in order for a person to be approved for exceptional care placement the cost of the person's care must be at least 25% more than the proposed admitting facility's per diem rate (capital, support and nursing components). Eligible items which may be used in computing the cost of the person's care include nursing services costs, therapy services costs, and medical equipment and supply cost. Computations for determining cost of care shall be based upon maximum allowable costs for service equipment and supplies and HSA wage rates for the proposed admitting facility as determined by the Department.

- k) Provision for Patients for which a Long Term Care Placement is Unavailable

In the event placement for a patient in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the patient is receiving services. The rate of payment to the hospital shall not exceed the average statewide long term care facility per diem rate for the level of services provided.

- 1) Contract Monitoring

1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under Section 5-2 of the Illinois Public Aid Code [305 ILCS 5/5-2] (~~111-Rev-Stat-1989-ch-23-par-5-27~~, and Title XIX of the Federal Social Security Act (42 U.S.C. 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program [20 ILCS 2215/3-5] (~~111-Rev-Stat-1989-ch-111-par-6583-57-Section-3-5~~ of the Health Finance Reform Act).

2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide utilization review and quality assurance under any contract negotiated for exceptional care.

3) The Department shall review exceptional care residents' utilization of services every ~~ninety~~ 90 days. This review may be waived by Department Exceptional Care staff if one or more ~~at least~~ 3 previous assessments show that a resident's condition has stabilized. Department Exceptional Care staff will maintain contact with the long term care facility regarding the resident's

condition during the time period the assessment is waived.

- 4) In the event that it is determined that the resident is no longer in need of exceptional care services, the Department shall reduce the rate of payment to the ~~provider~~ ~~provider~~ to the facility's standard Medicaid per diem rate.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Number: Proposed Action:

104.103 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)[305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments delete the de novo process for hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned funds. As a result of these proposed amendments, hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned funds will be governed by the provisions in Section 104.102, except that subsections (a) and (c) will not apply.

These proposed amendments will not result in any additional expenditures by the Department.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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104.208	Amendment	September 30, 1994 (18 Ill. Reg. 14615)
104.209	New Section	August 19, 1994 (18 Ill. Reg. 12613)
104.210	Amendment	August 19, 1994 (18 Ill. Reg. 12613)
104.211	New Section	September 30, 1994 (18 Ill. Reg. 14615)
104.221	Amendment	August 19, 1994 (18 Ill. Reg. 12613)
104.244	Amendment	August 19, 1994 (18 Ill. Reg. 12613)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave.

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E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: GENERAL PROVISIONS

## PART 104

## PRACTICE IN ADMINISTRATIVE HEARINGS

## SUBPART A: ASSISTANCE APPEAL

## Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section

104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings

## SUBPART C: MEDICAL VENDOR HEARINGS

## Section

104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.210	Right to Hearing
104.212	Prior Factual Determinations

104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearing
104.221	Issues at Hearings
104.225	Legal Counsel
104.226	Appearance of Attorney or Other Representative
104.230	Notice, Service and Proof of Service
104.231	Form of Papers
104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST  
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE  
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

## SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures



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104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

## SUBPART F: INCORPORATION BY REFERENCE

Section	Incorporation by Reference
104.800	

**AUTHORITY:** Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13) [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

**SOURCE:** Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11 pg. 151 effective March 9, 1978 for a maximum of 150 days; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38 effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; peremptory amendment 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753 effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 17 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

### Section 104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds

- a) Hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned funds shall be governed by Section 104.102, except that subsections (a)(2) and (c)

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shall not apply, and the following terms as used therein are redefined:

- 1) "administrative support order" shall mean determinations of past-due support or of share of jointly-owned funds.
  - 2) "liability" shall mean past-due support or share of jointly-owned funds.
  - 3) "responsible relative" shall also mean joint payee.
- b) Upon receipt of a hearing request from a responsible relative or joint payee concerning:
- 1) an advance notice of intercept, the Department shall, if the request concerns a joint federal or State income tax refund or other joint state payment, inform the responsible relative or joint payee of the steps necessary for the joint payee to secure his proper share of the refund or payment, as stated in the advance notice.
  - 2) an amount already intercepted, the Department shall refer the responsible relative or joint payee to the Internal Revenue Service, if the request concerns a joint federal income tax refund.
  - c) Within 45 days of the receipt of a notification from a state intercepting a federal income tax refund that the responsible relative has requested an administrative review in this State, the Department shall complete the procedures set forth in subsection (a) above. The Department shall notify the submitting state promptly of the decision and notify the Department of Health and Human Services of the deletion of the amount referred for intercept.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:

100.7200

Amendment

100.7300

Amendment

4) Statutory Authority: 35 ILCS 5/101 et seq.

5) A Complete Description of the Subjects and Issues Involved: The Governor's Commission on Regulatory Review recently suggested to the Illinois Department of Revenue that employers no longer be required to routinely submit copies of employee W-2s to the Department when they file their IL-W-3 Annual Reconciliation Statement. Rather than submit copies of W-2s to the Department, employers will be required to maintain this information, subject to the Department's right of audit. This rulemaking, by making this change, will reduce paperwork and filing burdens for all Illinois employers.

6) Will this proposed rule replace an emergency rule currently in effect: No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? Yes.

9) Are there any other proposed amendments pending on this Part: yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.2470	Amendment	6/24/94, 18 Ill. Reg. 9377
100.2590	New Section	7/23/94, 18 Ill. Reg. 14346
100.3120	Amendment	7/23/94, 18 Ill. Reg. 14346
100.7010	Amendment	7/23/94, 18 Ill. Reg. 14346

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does the rulemaking modify any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith W. Staats  
Senior Counsel - Income Tax

Illinois Department of Revenue  
Office of General Counsel  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business with employees.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking eliminates a current filing requirement. No new reporting requirements are imposed.

C) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendment(s) begins on the next page:



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## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

PART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section

100.2000

Introduction

100.2050

Net Income (IITA Section 202)

Section

100.2100

Investment Credit

## SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

Section

100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

100.2240

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

## SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER

DECEMBER 31, 1986

Section

100.2300

Illinois Net Loss Deductions for Losses Occurring On or After

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Computation of the Illinois Net Loss Deduction

Determination of the Amount of Illinois Net Loss Carryovers

Illinois Net Loss Carrybacks and Net Loss Carryovers

Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

## SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

100.2470

Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

100.2680

Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF  
BASE INCOME

Section

100.3000

Terms Used in Article 3 (IITA Section 301)

Business and Nonbusiness Income (IITA Section 301)

Resident (IITA Section 301)

## SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section

100.3100

Compensation (IITA Section 302)

100.3110

State (IITA Section 302)

Allocation of Compensation Paid to Non-Residents (IITA Section 302)

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200

Taxability in Other State (IITA Section 303)

100.3210

Commercial Domicile (IITA Section 303)

100.3220

Allocation of Certain Items of Nonbusiness Income by Persons Other



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than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section	
100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other than Residents (IITA Section 304) - In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section	
100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

## SUBPART O: COMPOSITE RETURNS

Section	
100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credit for Resident Individuals
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

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## Section

100.5200	Election to File a Combined Return
100.5210	Procedure for Making the Election
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5270	Computation of Combined Income and Tax
100.5280	Definitions and Miscellaneous Provisions Relating to Combined Returns

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 701)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

Section	
100.7200	Reports for Employee (IITA Section 703)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section	
100.7300	Returns of Income Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on an Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)



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100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section  
 100.9000 General Income Tax Procedures (IITA Section 901)  
 100.9010 Collection Authority (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section  
 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
 100.9200 Assessment (IITA Section 903)  
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

Section  
 100.9300 Deficiencies and Overpayments (IITA Section 904)  
 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

## SUBPART Y: CREDITS AND REFUNDS

Section  
 100.9400 Credits and Refunds (IITA Section 909)  
 100.9410 Limitations on Claims for Refund (IITA Section 911)  
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

Section  
 100.9500 Access to Books and Records (IITA Section 913)  
 100.9510 Taxpayer Representation and Practice Requirements  
 100.9520 Conduct of Investigations and Hearings

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Section  
 100.9600 Administrative Review Law (IITA Section 1201)

Section  
 100.9700 Unitary Business Group Defined (IITA Section 1501)

## SUBPART BB: DEFINITIONS

## SUBPART CC: LETTER RULING PROCEDURES

Section  
 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents  
 TABLE A Example of Unitary Business Apportionment  
 TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill.



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Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7769, effective May 4, 1994; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART S: INFORMATION STATEMENT

## Section 100.7200 Reports For Employee (IITA Section 703)

a) In general. Every employer required to deduct and withhold tax under the Act from compensation of an employee, or who would have been required to deduct and withhold tax if the employee's properly claimed withholding exemption had not been in excess of compensation subject to withholding, must furnish to each such employee with respect to the compensation paid in Illinois by such employer during the calendar year, a statement in duplicate containing the following information:

- 1) The name, address and federal employer identification number of the employer;
- 2) The name, address and social security number of the employee;
- 3) The total amount of compensation paid in Illinois;
- 4) The total amount deducted and withheld as tax under IITA Section 701.

b) Form of statement. The information required to be furnished an employee under the preceding paragraph shall be furnished on an Internal Revenue Service combined Wage and Tax Statement, Form W-2, W-2g or 1099-R, hereinafter referred to as "combined W-2". Any reproduction, modification or substitution for a combined W-2, W-2g or 1099-R, by the employer must be approved by the Department.

c) Time for furnishing statement.

- 1) In general. Each statement required by this section to be furnished for a calendar year, and each corrected statement required for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or if an employee's employment is terminated before the close of a calendar year, without expectation that it will resume during the same calendar year, within 30 days from the day on which the last payment of compensation is made. (See 06-111-Adm---Code-100-7300(b)---for-provisions-relating-to-the-fitting-of-copies---of---combined-W-2---with---the---Illinois Department--of--Revenue.)
- 2) Extension of time. An extension of time, not exceeding 30 days, for furnishing the statements required by this section will be granted without request upon the granting of a similar

extension by the Internal Revenue Service or by regulation under the Internal Revenue Code. Any extension of time granted by reason of an extension by the Internal Revenue Service shall be substantiated by the employer maintaining a copy of such federal extension for inspection by the Department.

d) Corrections. An employer must furnish a corrected combined W-2 to an employee if, after the original statement has been furnished, an error is discovered in either the amount of compensation shown to have been paid in Illinois for the prior year or the amount of tax shown to have been deducted and withheld in the prior year. Such statement shall be marked "corrected by the employer". (See---06---111---Adm---Code---100-7300(b)(4)---for-provisions-relating-to-the-fitting-of-a-corrected---combined-W-2---with-the-Department--of--Revenue.)

e) Undelivered combined W-2. Any employee's copy of the combined W-2 which, after reasonable effort, cannot be delivered to an employee, shall be retained by the employer for a period of three years from the date required by subsection (c)(1) above for furnishing the statement to the employee transmitted--to--the--Department--with--a--letter--of--explanation.

f) Lost or destroyed. If the combined W-2 is lost or destroyed, the employer shall furnish two substitute copies to the employee and retain one copy which shall be made available to the Department upon written request. All such copies shall be clearly marked "Reissued by Employer".

g) See Section 100.7300, below for rules concerning the recordkeeping requirements of employers.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

## Section 100.7300 Returns of Income Tax Withheld From Wages (IITA Section 704)

- a) Quarterly returns. Except as otherwise provided in 06-111-Adm---Code-Section 100.7310 below, every employer required to deduct and withhold tax on compensation paid in Illinois shall make a return for the first calendar quarter in which such tax is deducted and withheld and for each subsequent calendar quarter (whether or not compensation is paid therein) until a final return is filed. Form IL-941, Employer's Quarterly Illinois Withholding Tax Return, is prescribed for making the return required under this paragraph. Monthly and quarter-monthly tax payments may also be required. See paragraphs subsections (c) and (d) below of this section. In some circumstances, only a single IL-941 an-annual-return and payment of withheld taxes will be required. See 06-111-Adm---Code-Section 100.7310 below.



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## b) Department's Retention of copies of combined W-2.

1) Every employer required under paragraph subsection (a) above of this section to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall submit as part of such return the Department's retain a copy of each wage and tax statement on the combined W-2 required under 86-111-Adm-Code Section 100.7200 above to be furnished by the employer with respect to compensation paid during the calendar year. Every employer shall maintain copies for the combined W-2 forms for three years from the due date of the IL-W-3 for that period. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days of the written request.

2) The copies of wage and tax statements for the current calendar year transmitted with the return required under paragraph (a) of this section shall be accompanied by an information statement on Form IL-W-3, Reconciliation of Illinois Income Tax Withheld and Transmittal of Wage and Tax Statements.

3) The copies of wage and tax statements for the current calendar year transmitted with Form IL-W-3 shall be accompanied by a list (preferably in the form of an adding machine tape) of the amount of tax withheld shown on such statements. If an employer's total payroll is made up on the basis of a number of separate units or establishments, the statements may be assembled accordingly and a separate list or tape submitted for each unit in such case a summary list or tape should be submitted, the total of which will agree with the corresponding entry made on Form IL-W-3. If the number of statements to be submitted is larger they may be forwarded in packages of convenient size. When submitted in this manner, the packages should be identified with the name of the employer and consecutively numbered, and Form IL-W-3 should be placed in package No. 1. The number of packages should be indicated immediately after the employer's name on Form IL-W-3.

2) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see 86-111-Adm-Code Section 100.7200(d) above), a copy shall be retained submitted to the Department on or before for a period of four years from the date fixed for filing the employer's return of tax withheld (Form IL-941) for the period ending December 31 of the year in which the correction is made, or for any period in such year for which the return is made as a final return. Such copies of the combined W-2 shall be accompanied by a statement explaining the corrections shall also be retained and if the Department requests a copy of the corrected W-2 shall be submitted within 30 days of the written request separately from the Department's copies of the combined W-2 being

## submitted for the current calendar year.

3) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s. Employers chosen by the Department will be required to file W-2s in the same manner they are required to file W-2s federally.

A) Employers with more than 250 employees in the State of Illinois will be required to provide the W-2s on magnetic tape, diskette, or cartridge meeting the specifications required by the Social Security Administration (see 26 CFR 301.6011-2, (1994)).

B) All other employers may provide the W-2s on magnetic media or paper.

5) An extension of time for filing the providing statements requested by the Department required to be filed under this subsection shall be granted upon a showing of good cause approval of a submitter extension granted by the Internal Revenue Service for filing the federal statements. The extension shall be for the same period as granted by the Internal Revenue Service (but in no event to exceed six months) and shall be granted by the Department upon submission of a copy of the federal application and approval of an extension.

c) Quarterly tax payments. Effective January 1, 1987, and pursuant to P.A. 84-341 Every employer required to file a quarterly return under paragraph subsection (a) above of this Section shall also file a quarterly tax payment form if the amount of tax deducted and withheld during any quarter-monthly period plus the amount previously withheld and not remitted to the Department exceeds \$1,000.00 (formerly \$500.00). An employer need not file a quarterly tax payment form if no quarterly payment is due. Form IL-501 is prescribed for use with the payments required under this paragraph. Quarterly periods end on the 7th, 15th, 22nd and last day of each month. Certain taxpayers with tax liabilities exceeding statutory thresholds are required to pay their tax liabilities by electronic funds transfer. 86 Ill. Adm. Code sets forth the rules of the Department concerning payment of taxes by electronic funds transfer, as well as the statutory payment thresholds.

d) Monthly tax payments. Effective January 1, 1987, and pursuant to P.A. 84-341 Every employer required to file a quarterly return under paragraph subsection (a) above of this Section shall also file a monthly tax payment form if the amount of tax deducted and withheld during any calendar month plus the amount previously withheld and not remitted to this Department exceeds \$500.00 (formerly \$100.00) including amounts previously withheld and not remitted to the Department, but does not exceed \$1,000.00 (formerly \$500.00). An employer need not file a monthly form if no monthly payment is due. No monthly form is required for the third month in



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any calendar quarter. The information otherwise required to be reported on the monthly form for the third month in a calendar quarter shall be reported on the quarterly return filed for that quarter and no monthly form need be filed for such month. Form IL-501 is prescribed for use with the payments required under this paragraph subsection.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- 4) Statutory Authority: The Animal Control Act [510 ILCS 5] and Sections 9 and 10 of the Illinois Diseased Animals Act [510 ILCS 50/9 and 10].
- 5) Effective Date of amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: September 23, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 8972
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Citations to the Illinois Compiled Statutes are added. The Department is adopting the most current printed version of the Journal of the American Veterinary Medical Association regarding euthanasia. In Section 30.40(c), the Illinois Revised Statute citation was deleted because this law was repealed in 1990.
- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:  
Name: Debbie Wakefield  
Address: Illinois Department of Agriculture



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 30

## ANIMAL CONTROL ACT

Section	
30.10	Definitions
30.20	Interstate Shipment of Dogs; Health Certificate Required
30.30	Causes for Removal of Administrator or Wardens from Office
30.40	District Boards
30.50	Training of Animal Control Wardens
30.60	Rabies Vaccination Tags; County Accountable for Rabies Tags
30.70	Rabies Vaccination Tag and Certificate Honored by All Counties; Interstate Shipment of Dogs Recognized as Officially Vaccinated
30.80	Approval of Rabies Vaccination Tags and Color
30.90	Recognized Immunity Period of Animal Rabies Vaccines
30.100	Unvaccinated Impounded Dog
30.110	Confinement Period for Animal Which Has Bitten a Person
30.120	Biting Animal Considered Officially Vaccinated; Brains of Dogs Suspected of Having Rabies and Which Have Died Shall Be Submitted for Examination
30.130	Rabid Animals; Procedures for Revaccination, Confinement or Destruction
30.140	Dangerous Dog; Control Methods
30.150	Claim for Loss of Animals or Poultry Killed or Injured by Dogs
30.160	County Animal Control Program; Requirements
30.170	County and Municipality Sharing Registration Fees

**AUTHORITY:** Implementing and authorized by the Animal Control Act [510 ILCS 5] and authorized by Sections 9 and 10 of the Illinois Diseased Animals Act [510 ILCS 50/9 and 10].

**SOURCE:** Rules and Regulations Relating to the Animal Control Act, filed September 16, 1974, effective September 26, 1974; amended August 19, 1975, effective August 29, 1975; filed December 10, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10440; amended at 7 Ill. Reg. 1712, effective January 28, 1983; amended at 12 Ill. Reg. 2216, effective January 19, 1988; amended at 16 Ill. Reg. 11751, effective July 8, 1992; amended at 18 Ill. Reg. 14891, effective SEP 25 1994.

**Section 30.10 Definitions**

For the purpose of this Act and these rules, the following definitions shall apply:

"Confined under the observation of a licensed veterinarian" means



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confined to an escape-proof building or other enclosure away from other animals and the public, and observed daily by the Administrator or another licensed veterinarian.

"Division" means the Division of Animal Industries of the Illinois Department of Agriculture.

"Escape-proof building or other enclosure" means a building or other enclosure of such strength and structure to keep the confined animal away from other animals and the public.

"Humanely dispatched" means the painless administration of a lethal dose of an agent which shall cause the painless death of an animal as prescribed in the Journal of the American Veterinary Medical Association, ~~July--17--1978~~ January 15, 1993. Said method shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

"Official health certificate" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, and issued by a licensed veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the dog(s) listed thereon meet the health requirements of the State of Illinois. The official health certificate shall contain the name and address of the consignor; the name and address of the consignee; an accurate description or identification including age, sex and breed of the dog(s) involved; and shall also indicate the health status of the dog(s), including the date(s) of vaccination(s), type of vaccine, name of manufacturer, serial number, and amount of vaccine administered.

"Officially vaccinated" means the inoculation of a dog with a vaccine as set forth in 8 Ill. Adm. Code 30.90 of these rules; administered by a licensed veterinarian by the route and in the amount recommended by the producer of the vaccine and for which a county rabies vaccination tag has been issued and properly recorded on a certificate as prescribed by the Board.

"Program" means the Animal Control Program as organized for the purpose of carrying out the provisions of this Act and the rules pursuant thereto.

"Recognized laboratory" means a laboratory operated by the State Department of Agriculture, the State Department of Public Health, any land grant university, or other laboratories approved by the Department of Public Health.

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"Stray" means an animal which shall be considered a stray according to the ordinances that exist in the county in which the animal is found.

"Straying" means a dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods as set forth in 1, 2 and 3 under (b) in 8 Ill. Adm. Code 30.140.

"Wild animal" means a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog.

(Source: Amended 1994 at 18 Ill. Reg. 14891, effective July 1, 1994)

### Section 30.20 Interstate Shipment of Dogs; Health Certificate Required

a) Dogs of any age brought into Illinois shall be accompanied by an official health certificate issued within 30 days of entry, showing the age, sex, breed, and description of each dog; that the dogs in shipment are free from visible evidence of communicable diseases as set forth in Sections 9 and 10 of the Illinois Diseased Animals Act ~~(111-Rev--Stat--1985, ch--8, pars--176-and-177)~~ [510 ILCS 50/9 and 10]; that they originated in an area not under quarantine because of rabies or if originating in an area under quarantine because of rabies, have obtained prior permission from the Division that will be granted by telephoning 217/782-4944 and indicating that the dogs have not been in physical contact with rabid animals; and that all dogs over 16 weeks of age have been vaccinated against rabies as set forth in 8 Ill. Adm. Code 30.90. A copy of the health certificate bearing the approval of the Animal Health Official of the state of origin shall be filed with the Division.

b) This ~~rule~~ Part shall not apply to dogs consigned to hospitals, pharmaceutical companies, or licensed research institutions for research or teaching, not to performing dogs or dogs brought in for a limited period of time for exhibition or breeding purposes and kept under direct control while in Illinois; provided, such performing dogs, dogs for exhibition, or dogs for breeding purposes have been vaccinated against rabies prior to entry into Illinois.

(Source: Amended 1994 at 18 Ill. Reg. 14891, effective July 1, 1994)

### Section 30.40 District Boards

a) When Districts are established under this Act, the District Board shall meet in February, May, August, and November of each year. At each November session, the District Board shall elect one of their number chairman for the ensuing year. He shall preside at their sessions and perform such duties as are, or may be, prescribed by law



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or by the order of said District Board. An acting chairman shall be elected at the initial organizational meeting of the District Board, and shall serve until the regular election at the next November meeting.

b) One member of the District Board shall be elected Secretary-Treasurer and shall keep minutes of each meeting, records of all finances, and assume other duties as assigned by the District Board. The Secretary-Treasurer shall make all records available to each County Board involved, and to the Department upon request.

c) Compensation for members of the District Board shall be borne by each member's respective County Board in such amounts as provided for in Chapter 537-Paraphraph--581--(fees--and--Salaries)--Illinois--Revised Statutes.

d) When a District is formed, the words "County Board" or "Board" as used in this Act and ~~its--rules~~ this Part shall be interpreted to mean "District Board" when applicable.

(Source: Amended at 18 Ill. Reg. 14891, effective SEP 10 1994)

## Section 30.90 Recognized Immunity Period of Animal Rabies Vaccines

a) The Department will accept the recognized immunity period of animal rabies vaccines licensed by Biologics Licensing and Standards Staff of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture. To aid county officials in enforcing the Animal Control Act, the Department will periodically issue to the Administrator of each county a list of the licensed animal rabies vaccines recognized for use in Illinois, and the recognized immunity period of those vaccines. At such time as new animal rabies vaccines are recognized, or revisions made in recommendations, the Department shall so notify the Administrator.

b) Animal rabies vaccines shall be administered to dogs or other animals by the route and in the amount recommended by the producer of the vaccine.

c) Dogs required to be vaccinated against rabies as specified in Section 8 of the Animal Control Act shall be revaccinated within the time period specified for the particular vaccine administered, EXCEPT that dogs initially vaccinated when less than 1 year of age shall be revaccinated 1 year after the initial vaccination. Thus, when an animal rabies vaccine recognized as conveying a 3-year immunity is administered to a dog which is at least 1 year of age at the time of vaccination, that vaccination shall be recognized for a period of 3 years. If, however, a dog is under 1 year of age at time of initial vaccination with a vaccine recognized as conveying a 3-year immunity, that vaccination will only be recognized for a period of 1 year.

d) The certificate of vaccination issued shall specify the recognized duration of immunity in accordance with the provisions of ~~8-411--Adm-Code-30-90~~ subsection (c) above.

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e) When the vaccine manufacturer recommends that 2 doses of an animal rabies vaccine be administered at specific time intervals for initial immunization, a dog receiving such vaccine cannot be considered as officially vaccinated against rabies until it has received both injections AND the rabies vaccination certificate shall not be issued until the dog has received the second injection of the vaccine.

f) There is no recognized vaccine approved for use on wild animals; therefore, wild animals shall not be vaccinated against rabies. Any wild animal so vaccinated shall not be recognized as an official vaccinee and such animal shall be subject to the provisions of the Illinois Dangerous Animals Act ~~(411-Rev--Stat--1985--ch--8--par--249 et--seq--)~~ [720 ILCS 585].

(Source: Amended at 18 Ill. Reg. 14891, effective SEP 10 1994)

## Section 30.140 Dangerous Dog; Control Methods

Under Section 15 of this Act:

a) A dangerous dog shall mean a dog as defined in Section 15(a)(2) of the Animal Control Act ~~(411-Rev--Stat--1985--ch--8--par--357 et--seq--as amended--by--P.A.-85-0275--effective-January-17-1988-and-P.A.-85-0397 effective-January-17-1988)~~ [510 ILCS 5/15(a)(2)].

b) The following shall be accepted as recognized control methods for dangerous dogs:

- 1) Placing an animal within an enclosed automobile, truck, or other vehicle not being used as a public conveyance of humans, or
- 2) Shipping an animal on a public conveyance that is properly confined in a shipping container conspicuously labeled "DANGEROUS ANIMAL" and constructed of materials in such a manner to prevent the animal from biting other animals or the public, or
- 3) Properly muzzling an animal and placing it on a leash of sufficient strength to keep such animal under control, and held by a competent person capable of controlling such animal, or
- 4) Confining the animal on the premises of the owner in such a manner as to prevent its coming in contact with other animals or the public.

c) The owner of any dog exempt under Section 15 shall provide the Administrator with the breed, description, name and location where such dog can be expected to be located at all times when not on leash or under direct control of its owner.

d) A dog exempt under Section 15 of this Act when not under direct control by leash or other recognized control methods shall be confined in such a manner as to prevent it from attacking or injuring any person who is peacefully conducting himself where he lawfully may be.

(Source: Amended at 18 Ill. Reg. 14891, effective SEP 10 1994)



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1) Heading of the Part: Animal Welfare Act

2) Code Citation: 8 Ill. Adm. Code 25

3) Section Numbers: Adopted Action:

25.20 Amendment

25.30 Amendment

25.50 Amendment

25.80 Amendment

25.110 Amendment

25.120 Amendment

25.130 Amendment

4) Statutory Authority: The Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

5) Effective Date of amendments: September 26, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: September 23, 1994

9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 8993

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Nonsubstantive editorial changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: Citations to the Illinois Compiled Statutes are added. The Department is adopting the most current printed versions of referenced federal acts and regulations and the Journal of the American Veterinary Medical Association. In Section 25.80, references to the division superintendent are changed to the Department Director due to reorganization within the Department.

16) Information and questions regarding this adopted amendment shall be directed to the attention of:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

Name: Debbie Wakefield

Address: Illinois Department of Agriculture

State Fairgrounds

Springfield, Illinois 62794-9281

Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:



## DEPARTMENT OF AGRICULTURE

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TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
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 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 25

## ANIMAL WELFARE ACT

## Section

- 25.10 Definitions
- 25.15 Incorporations By Reference
- 25.20 Buildings and Premises
- 25.30 General Care of Animals
- 25.40 Dogs Brought into Illinois
- 25.50 Shipment of Mammals and Birds
- 25.60 Health of Animals at Time of Release
- 25.70 Department May Restrict The Sale of Animals
- 25.80 Quarantine
- 25.90 Records
- 25.100 Consent Statement and Inspection
- 25.110 Animals Prohibited from Sale
- 25.120 Boarding and Training
- 25.130 Pounds and Animal Shelters

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 1489, effective SEP 26 1994.

## Section 25.20 Buildings and Premises

- a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:
  - 1) Have equipment available for proper storage or disposal of waste material to control vermin and insects.
  - 2) Dispose of dead animals in compliance with ~~"AN-Act-in-relation-to the-disposal-of-dead-animals"~~ the Illinois Dead Animal Disposal Act ~~444-Rev-Stat--1987-ch-9-par-149-et-seq-7~~ [225 ILCS 610] and rules enacted pursuant to that ~~Law~~ Law (8 Ill. Adm. Code 85). Compliance with this State Law shall not exempt licensee from compliance with local ordinances.
  - 3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
  - 4) Provide water from a source having sufficient pressure to

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- properly sanitize and clean kennels, runs, equipment, and utensils.
- 5) Provide hand washing facilities.
- b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for separation of diseased animals to avoid exposure to healthy and salable animals.
- c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
- d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
  - 1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.
  - 2) All empty cages shall be kept clean at all times.
  - 3) Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie, and offer freedom of movement.
  - 4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; ~~1988~~ 1994) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.
- e) Runs shall be constructed of material of sufficient strength and design to confine the animal(s).
  - 1) They shall be kept in good repair and condition.
  - 2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.
  - 3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
  - 4) Provisions must be made for adequate drainage.
- f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2 1/2 times the body volume of living creatures contained therein.
- g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female dog or cat in estrus shall be placed in a pen with male animals, except for breeding purposes.

(Source: Amended at 18 Ill. Reg. 1489, effective SEP 26 1994 )

## Section 25.30 General Care of Animals

- a) All persons or establishments licensed under this Act shall comply with all ~~sections~~ Sections of the Humane Care for Animals Act ~~444-Rev-Stat--1987-ch-9-par-701-et-seq-7~~ [510 ILCS 70].
- b) Sufficient clean water and fresh food shall be offered to each animal



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daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5 - 3.7; 1988 1994). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.

- c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.
- d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthy condition. Any dead fish shall be removed from aquariums daily.
- e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

(Source: Amended 1994 at 18 Ill. Reg. 14898, effective SEP 29 1994 )

## Section 25.50 Shipment of Mammals and Birds

a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:

- 1) Have a solid floor which may have a false bottom above it.
- 2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.11 - 3.17; 1988 1994) as to provide maximum safety for the particular animal or animals being transported.
- 3) Have openings on 2 sides and the top to assure adequate ventilation.

b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.11 - 3.17; 1988 1994). When the temperature is over 85° F., increased space shall be provided within reason.

c) The crates shall be cleaned before use for each trip.

d) Food and water containers shall be cleaned and sanitized before each trip.

e) If bedding is used it shall be clean, dry, and relatively dust-free.

f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.

g) The person or persons responsible for the welfare of the animal or animals while in transit shall:

- 1) Offer the animals food at least once each 24 hours, except that newly weaned young shall be offered suitable food at 4-hour intervals.
- 2) Offer all animals water at 12-hour intervals at least, except that water shall be offered at 4-hour intervals when the temperature reaches 90° F.

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3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.

4) Inspect each animal at 4-hour intervals, or oftener.

h) No female obviously near parturition shall be transported.

i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended 1994 at 18 Ill. Reg. 14898, effective SEP 29 1994 )

## Section 25.80 Quarantine

a) The Superintendent of the Division of Animal Industries Director of the Illinois Department of Agriculture may order a quarantine as prescribed in the Illinois Diseased Animals Act (111 Rev Stat 1907 ch 87 par 168 et seq) [510 ILCS 50] and 8 Ill. Adm. Code 85 placed on the entire premises of the licensee, on a specific species of animals, or on a specific group of animals for any one of the following:

- 1) Excessive parasitism.
- 2) General malnutrition.
- 3) Presence of contagious disease on premises.

b) This quarantine may be placed after consultation with licensee or his duly authorized representative concerning the nature, frequency, and extent of the disease or diseases involved.

c) Conditions not specified above may be cause for quarantine at the discretion of the Superintendent of the Division of Animal Industries Director of the Illinois Department of Agriculture.

(Source: Amended at 18 Ill. Reg. 14898, effective SEP 29 1994 )

## Section 25.110 Animals Prohibited from Sale

a) Licensees shall not offer skunks for sale as pets as prescribed in Section 3.25 of the Wildlife Code (111 Rev Stat 1907 ch 11 par 9-25) [520 ILCS 5/3.25].

b) Licensees shall not offer for sale those animals the ownership of which would constitute a violation of Section 1 of the Illinois Dangerous Animals Act (111 Rev Stat 1907 ch 11 par 1-24) [720 ILCS 585/1]. These include the following animals: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, bear, wolf or coyote, or any poisonous or



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life-threatening reptile. A life-threatening reptile is any member of the crocodilian family or any constricting snake six feet or over in length, such as boa, python, and anaconda.

- c) Licensees shall not possess or offer for sale turtle or viable turtle eggs which would constitute a violation of Section 264 of the Public Health Service Act (42 U.S.C.A. 264; 1987 1994), the rules for that Act (21 CFR 1240.62; 1987 1994) and Section 3372 of the Lacey Act (16 U.S.C.A. 3372; 1987 1994).

(Source: Amended at 18 Ill. Reg. 14898, effective SEP 20 1994)

## Section 25.120 Boarding and Training

Persons licensed as kennel operators shall comply with the following rules in addition to 8 Ill. Adm. Code 25.10 through 25.110:

- Records shall be maintained for a period of twelve (12) months after the boarding or training is completed. The record shall state the owner's name, address, and telephone number; expected duration of the stay; service to be provided, and owner's agent for emergency contacts.
- No dog or cat shall be accepted for boarding or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the kennel operator. (Exemption to distemper vaccination requirement is available upon written recommendation from owner's veterinarian.) Any dog accepted must be in compliance with the rabies vaccination requirements of the Illinois Animal Control Act (111-Rev-Stat-1987-ch-87-par-351-et-seq-) [510 ILCS 5].
- Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.
- In the event an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:
  - The body preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which time the body may be disposed of in compliance with "AN-Act in-relation-to-the-disposal-of-dead-animals" the Illinois Dead Animal Disposal Act (111-Rev-Stat-1987-ch-87-par-149-et-seq-) [225 ILCS 610] or
  - Bodies are to be submitted to a licensed veterinarian and a necropsy performed at the kennel operator's expense, unless prior agreement for payment of such services by the owner is made. A copy of the necropsy report is to be given to the owner.
- Animals shall not be group-housed at any time, unless they are owned by the same person and are compatible.
- If the owners of animals do not appear or contact the kennel operator

within thirty (30) days of their stated return time, the kennel operator has the right to dispose of the animal.

(Source: Amended at 18 Ill. Reg. 14898, effective SEP 20 1994)

## Section 25.130 Pounds and Animal Shelters

Persons licensed to operate Pounds and Animal Shelters shall comply with the following rules in addition to the other rules already prescribed.

- Licensee shall make a record of each animal received, including the date it was received, the source, and the eventual disposition.
- Approved equipment as described in the Journal of the American Veterinary Medical Association, 930 North Meacham Road, Schaumburg, Illinois 60196 (February-17-1986 January 15, 1993) shall be used for euthanasia.
- Licensee shall accept any animal for which the person wishing to dispose of the animal is willing to sign an affidavit of ownership giving his name, address, telephone number, reasons for wishing to dispose of the animal, and description of the animal, including distinguishing marks and pertinent medical information, if any.
- Any animal presented to a pound or shelter in an injured, diseased, or ill condition shall be examined by and, if feasible, treated by a licensed veterinarian. If the veterinarian deems that, for humane reasons, the animal should be euthanized, his recommendations for euthanasia shall be followed.
- Licensee operating a pound for a municipality or other political subdivision shall, in a conspicuous place at the establishment, post the hours the facility will be open with an attendant on duty to release estrayed pets back to their owner. Any expense incurred during the period of impoundment shall be paid by the owner prior to release of the impounded animal.

(Source: Amended at 18 Ill. Reg. 14898, effective SEP 20 1994)



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- 1) Heading of the Part: Horsemeat
- 2) Code Citation: 8 Ill. Adm. Code 70
- 3) Section Numbers: Adopted Action:  
70.80 Amendment  
70.130 Amendment
- 4) Statutory Authority: The Horse Meat Act [225 ILCS 635].
- 5) Effective Date of amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: September 23, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 9003
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial changes are made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Citations to the Illinois Compiled Statutes are added. The Department is adopting the most current printed version of 9 CFR 312.3 of the Code of Federal Regulations in Section 70.80.
- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:  
Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/782-2172
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TITLE 8: AGRICULTURE AND ANIMALS  
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PART 70  
HORSEMEAT

Section	
70.10	Enforcement
70.20	Consent Statement
70.30	Types of License
70.40	Breeders and Raisers of Fur-Bearing Animals
70.50	Processor's License
70.60	Retail Sale (Repealed)
70.70	Interstate Sale
70.80	Identification by Roller Stamp
70.90	Denaturing
70.100	Chilling
70.110	Marking Vehicles Used in Distribution
70.120	Special Permits (Repealed)
70.130	Sanitary Requirements
70.140	Records and Inventory
70.150	Samples
70.160	Transportation and Transactions

AUTHORITY: Implementing and authorized by the Illinois Horse Meat Act [225 ILCS 635].

SOURCE: Rules and Regulations Relating to the Slaughtering and Butchering of Equine Animals and the Sale and Distribution of the Meat Therefrom, filed April 27, 1970, effective May 7, 1970; codified at 5 Ill. Reg. 10451; amended 7 Ill. Reg. 859, effective January 10, 1983; amended at 18 Ill. Reg. 14906, effective SEP 26 1994.

### Section 70.80 Identification by Roller Stamp

When an animal is slaughtered the entire carcass must be identified as HORSE MEAT, immediately after the hide has been removed, by means of a roller stamp using green ink. It shall be stamped so that no surface of 6 square inches or more of the carcass shall be without the stamp HORSE MEAT to identify it as such. This rule does not apply to a breeder or raiser of fur-bearing animals who may hand-stamp the carcasses. This rule does not apply to whole, half, or quarter carcasses of horse meat slaughtered in a federally inspected plant under supervision of the U. S. Department of Agriculture (U. S. D. A.) and stamped by the U. S. D. A. in accord with the Federal regulations (9 CFR 312.3; 1693/70 1994).

(Source: Amended at 18 Ill. Reg. 14906, effective



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

SEP 26 1994**Section 70.130 Sanitary Requirements**

The premises on which animals are slaughtered, processed or wholesaled must be constructed and maintained in conformity with requirements of the Illinois Sanitary Inspection Act (~~411--Rev--Stat--1981--ch--56--1/27--pars--67--717~~) [410 ILCS 650]:

- a) Floors shall be constructed of concrete, be smooth and sloped to drain. The junction of floors and walls should be curbed. Corners shall be rounded to avoid angles which collect and hold dirt and grease. A space may be curbed in the floor for bleeding purposes if desired.
- b) Sidewalls and ceilings shall be smooth and watertight. If constructed of wood, use smooth-dressed matched lumber and paint with a light-colored washable paint.
- c) All doors and windows shall be effectively screened.
- d) One or two catch basins should be installed to catch solids and grease before waste water reaches cesspool or natural drainage. Catch basins should be kept covered except when being cleaned, unless public sewerage is available.
- e) Rails should be installed, so that the rails are 11 feet from floor.
- f) All tables and bench tops should be tight fitting and of hardwood or metal frame with wood inserts which can be easily cleaned.
- g) All meat when stored or transported must be protected from contamination and kept at a temperature sufficient to prevent spoilage or decomposition.
- h) All offal shall be kept in cooler until removed by the scavenger. Offal containers shall be cleaned with hot water or steam daily when in use, and sprayed with a disinfectant if kept outside.
- i) All drums, buckets, and cans used in establishment for handling or delivery purposes shall be of metal, and the words HORSE MEAT in letters of two inches in height shall be stenciled in white on two sides of container.
- j) Outside premises should be graded to provide proper drainage and grounds kept clean and free of refuse. Stock pens should have concrete floors and be kept clean.

(Source: Amended at 18 Ill. Reg. **14906**, effective SEP )

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Humane Care for Animals Act
- 2) Code Citation: 8 Ill. Adm. Code 35
- 3) Section Numbers: Adopted Action: Amendment 35.30
- 4) Statutory Authority: The Humane Care for Animals Act [510 ILCS 70].
- 5) Effective Date of amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 23, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 9008
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Citations to the Illinois Compiled Statutes are added.
- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:  
Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 35

## HUMANE CARE FOR ANIMALS ACT

## Section

35.10 Approved Humane Investigator; Qualifications; Requirements; Termination; Reports; Appointment Period  
35.20 Notice of Violation; Impoundment Procedure (Repealed)  
35.30 Administrative Hearings

AUTHORITY: Implementing and authorized by the Humane Care for Animals Act [510 ILCS 70].

SOURCE: Rules and Regulations Relating to Humane Care for Animals, filed December 14, 1973, effective December 24, 1973; codified at 5 Ill. Reg. 10441; amended at 7 Ill. Reg. 865, effective January 10, 1983; amended at 8 Ill. Reg. 5936, effective April 23, 1984; amended at 9 Ill. Reg. 4498, effective March 22, 1985; SEP 26 1994 amended at 18 Ill. Reg. 14909, effective

## Section 35.30 Administrative Hearings

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (~~111--Rev--Stat--1991--ch--1277--par--1001--et seq--~~ [5 ILCS 100]) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules, except that, in the case of impoundment, a petition for reconsideration or stay must be filed with the Director within 48 hours from the date the decision is rendered by the hearing officer. The final administrative decision (see 8 Ill. Adm. Code 1.75(k) and 1.340) shall be subject to Section 14 of the Humane Care for Animals Act.

(Source: Amended at 18 Ill. Reg. 14909, effective SEP 26 1994)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Humane Slaughter of Livestock

2) Code Citation: 8 Ill. Adm. Code 50

3) Section Numbers: Adopted Action:  
50.10 Amendment  
50.20 Amendment

4) Statutory Authority: Humane Slaughter of Livestock Act [510 ILCS 75].

5) Effective Date of amendments: September 26, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: September 23, 1994

9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 9011

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Nonsubstantive editorial changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: The Department is adopting amendments similar to federal regulations (59 FR 21638, April 26, 1994) which will permit swine to be humanely slaughtered in official meat-packing establishments through the administration of carbon dioxide.

16) Information and questions regarding this adopted amendment shall be directed to the attention of:

Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/782-2172



DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 50  
HUMANE SLAUGHTER OF LIVESTOCK

Section

50.10 Definitions

- 50.20 Slaughter Methods; Chemical; Carbon Dioxide
- 50.30 Slaughter Methods; Mechanical; Captive Bolt
- 50.40 Slaughter Methods; Mechanical; Gunshot
- 50.50 Slaughter Methods; Electrical

**AUTHORITY:** Implementing and authorized by the Humane Slaughter of Livestock Act [510 ILCS 75]. For referencing similar Federal regulations see 9 CFR 313 (1990).

**SOURCE:** Rules and Regulations of the Humane Slaughter of Livestock Act, filed November 17, 1970, effective November 27, 1970; codified at 5 Ill. Reg. 10445; amended at 7 Ill. Reg. 1756, effective February 2, 1983; amended at 9 Ill. Reg. 18427, effective November 19, 1985; amended at 18 Ill. Reg. 14911, effective SEP 26 1994.

**Section 50.10 Definitions**

Words in the singular form shall be deemed to include the plural, words in the masculine form shall be deemed to include the feminine form, and vice versa, as the case may require. Terms defined for the purpose of the Act:

"Act". Means the Humane Slaughter of Livestock Act ~~"AN-REG--to--define and-require-the-use-of-humane-methods-in-the-handling-preparation-for slaughter--and-slaughter-of-livestock-for-meat-or-meat-products-to-be offered-for-sale"~~ (11th-Rev-Stat-1901; ch-87-par-229; 51--et--seq) [510 ILCS 75].

"Anesthesia". Loss of sensation of feeling.

"Captive bolt". A stunning instrument which when activated drives a bolt out of a barrel for a limited distance.

"Carbon dioxide". A gaseous form of the chemical formula CO(2).

"Carbon dioxide concentration". Ratio of carbon dioxide gas and atmospheric air.

"Consciousness". Responsiveness of the brain to the impressions made by the senses.



## DEPARTMENT OF AGRICULTURE

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"Department". The Illinois Department of Agriculture.

"Exposure time". The period of time an animal is exposed to an anesthesia-producing carbon dioxide concentration.

"Inspectors". Any officer or employee of the Department authorized to perform any duties under the Act or these rules.

"Surgical anesthesia". A state of unconsciousness in which the subject exhibits no sense of pain but maintains sensory reflexes essential to life.

(Source: Amended at 18 Ill. Reg. 14911, effective SEP 26 1994)

## Section 50.20 Slaughter Methods; Chemical; Carbon Dioxide

a) The slaughtering of sheep, calves and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in these rules, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the Act.

b) Administration of gas; required effective; handling:

1) The carbon dioxide gas shall be administered in a chamber in accordance with these rules so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals. In swine, carbon dioxide may be administered to induce death in the animals before they are shackled, hoisted, thrown, cast, or cut.

2) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction, or early phase, of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

3) On emergence emerging from the carbon dioxide chamber tunnel, the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking and bleeding, except for swine in which death has been induced by the administration of carbon dioxide. The provisions of 8 Ill. Adm. Code 149-190 125.190 and 149-50 125.210 and 9 CFR 311.30 (149-3707) (1990) shall apply. Asphyxia or death from any cause shall not be produced in the animals before bleeding, except for swine in which death has been induced by the administration of carbon dioxide.

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c) Facilities and procedures:

1) General requirements for gas chambers and auxiliary equipment; operator: The carbon dioxide gas shall be administered in a chamber which accomplishes effective exposure of the animal. Two types of tunnels, based on the same principle, are in common use for carbon dioxide anesthesia. They are the "U" type tunnel and the "Straight Line" type tunnel, and are based on the principle that carbon dioxide gas has a higher specific gravity than air. The tunnels are open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing or, in the case of swine, death-inducing, carbon dioxide concentrations are maintained in the central sections of the tunnels. Effective anesthetization is produced in these central sections. Animals are driven from holding pens through pathways constructed of large-diameter pipe or smooth metal and onto continuous conveyor devices that move the animals through the tunnels. The animals are either compartmentalized on the conveyors by mechanical impellers synchronized with the conveyor or they are otherwise prevented from crowding. While impellers are used to compartmentalize the animals, mechanically or manually operated gates are used to move the animals onto the conveyors. Surgically anesthetized animals, or killed swine, are moved out of the tunnels by the same continuous conveyors that moved them into and through the carbon dioxide gas.

2) Special requirements for gas chamber and auxiliary equipment: The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

3) Gas: Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonably accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentration shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers will be from



## DEPARTMENT OF AGRICULTURE

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controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by Division inspectors during anesthetizing operations and at other times. ~~A suitable~~ An exhaust system must be provided ~~to eliminate possible overdosages due to mechanical or other failure of equipment~~ so that, in case of equipment failure, non-uniform carbon dioxide concentrations in the gas tunnel or contamination of the ambient air of the establishment will be prevented.

(Source: ~~amended~~ at 18 Ill. Reg. **14911**, effective SEP 16 1994 )

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Dead Animal Disposal Act
- 2) Code Citation: 8 Ill. Adm. Code 90
- 3) Section Numbers: Adopted Action:  
90.10 Amendment  
90.110 Amendment  
90.120 Amendment
- 4) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610].
- 5) Effective Date of amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: September 23, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 9018
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial changes were made. In Section 90.120(d), a statement was added after the incorporation by reference stating that there are no amendments or editions beyond the date specified.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Department has agreed to develop and adopt further rules concerning composting of other animals referenced in the statute and concerning off-the-farm disposal of dead animals.
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: In Section 90.110, the Department is adopting amendments regarding on-the-farm disposal of dead animals to comply with changes in the statute (see P.A. 88-133, effective January 1, 1994). In Section 90.120, the official disinfection list has been incorporated into the Code of Federal Regulations which the Department is incorporating by reference.
- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:



## DEPARTMENT OF AGRICULTURE

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Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
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## PART 90

## ILLINOIS DEAD ANIMAL DISPOSAL ACT

Section	Definitions
90.5	Plant Facilities
90.10	Plant Premises
90.20	Annual Truck Permits (Repealed)
90.30	Truck Operator's Records (Repealed)
90.40	Odors and Insects Shall Be Controlled
90.50	Salmonella Control for Renderers and Blenders
90.60	Inspection of Premise (Repealed)
90.70	Identification of Receipts
90.80	Records (Repealed)
90.90	Transportation and Transactions (Repealed)
90.100	On-The-Farm Disposal
90.110	Collection Center
90.120	Disposal By Collection Center of Unusable Materials
90.130	

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610] (see P.A. 88-133, effective January 1, 1994).

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. 11773, effective July 8, 1992; amended at 18 Ill. Reg. 14917, effective SEP 26 1994.

## Section 90.10 Plant Facilities

If, upon first inspection, the facility of the renderer, blender or collection center fails to meet the requirements set forth in Section 10 of the Illinois Dead Animal Disposal Act (~~413--Rev--Stat--1987--ch--87--par--158~~) [225 ILCS 610/10] and the rules of this Part, the applicant shall be granted sixty (60) days in which to correct the deficiencies specified. At the end of the period for correcting the deficiencies, another inspection shall be made. If upon inspection the deficiencies have been corrected, a license shall be issued.

(Source: Amended at 18 Ill. Reg. 14917, effective SEP 26 1994)

## Section 90.110 On-The-Farm Disposal



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Persons disposing of animals, poultry, fish, or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

- a) Disposal by Burning.
  - 1) No open burning will be permitted.
  - 2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act (~~4111--Rev. Stat--1991--ch--111--1/27--pas--1001-et-seq--~~ [415 ILCS 5]).
- b) Disposal by Burying.
  - 1) Burial shall be on the premises owned or operated by the owner of the dead animal.
    - A) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
    - i) Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
    - ii) Dead Animals shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
  - B) Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.
  - C) No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every two years for burial purposes. There shall be no more than three (3) site locations within a radius of 120 feet.
- 2) Burial depth ~~depth~~ shall be sufficient to ~~allow~~ provide at least a six-inch compacted soil cover over the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.
- 3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.
- 4) Lime or other chemical agent shall not be used to prevent decomposition.
- 5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
- 6) Disease and nuisance vectors are to be minimized and controlled. ~~If a disposal pit is employed for daily or routine depository there shall be a minimum six-inch compacted soil cover after each deposition.~~
- 7) Final cover or settling shall be limited to a 5% or less slope differential from the normal gradient of its general

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surroundings. ~~Any disposal by burial shall also be in compliance with the Illinois Environmental Protection Act--Persons should contact the Illinois Environmental Protection Agency for cites to the requirements.~~

- 8) Burial site locations shall be available for inspection by Department personnel during normal working hours.
- c) Disposal of poultry by composting. Persons disposing of poultry by means of composting shall comply with the following requirements:
  - 1) The compost shall meet the following criteria:
    - A) A roof shall cover the entire composting area.
    - B) An impervious, weight-bearing foundation such as concrete shall be used.
    - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
    - D) The compost shall consist of primary and secondary bins.
    - E) The size of the compost shall be based on the farm's projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.
  - 2) Composting shall comply with the following guidelines:
    - A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of poultry litter and 40 pounds of straw.
    - B) Layering shall be done in the following order, starting from the floor: (First layer) Straw, poultry litter, straw, birds, and poultry litter. Second and subsequent layers: straw, birds, and poultry litter.
    - C) A 36-inch probe-type thermometer shall be inserted daily into the pile to check the temperature. Within two to four days, the temperature should peak between 135° F. and 150° F.
    - D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment bin.
    - E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection, the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
  - 3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.
- d) Disposal of fish by composting. Persons disposing of fish by means of composting shall comply with the following requirements:
  - 1) The compost shall meet the following criteria:



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- A) A roof shall cover the entire composting area.
  - B) An impervious, weight-bearing foundation such as concrete shall be used.
  - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
- 2) The base layer shall meet the following criteria:
- A) Use 6 to 12 inches thick of a bulking agent.
  - B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of compost material.
- 3) Composting shall meet the following guidelines:
- A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or bulking agent and shall be mixed prior to use in the composting layer. The mixing of the materials for the composting layer shall be done in a manner to prevent leakage (e.g., stock tank, bucket, mixing drum).
  - B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12 inches.
  - C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.
  - D) Additions to the compost pile are done by adding new material to the end of the pile.
  - E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140° F. and 165° F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.
  - F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection, the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended at 18 Ill. Reg. 14917, effective SEP 26 1994)

## Section 90.120 Collection Center

A collection center shall comply with the following requirements:



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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Adopted Action:  
125.110 Amended
- 4) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650].
- 5) Effective Date of amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: September 23, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 9027
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial changes were made. References concerning peremptory amendments adopted by the Department on July 7, 1994 and July 29, 1994 were added in the main source note.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? Yes, peremptory amendments to Sections 125.260 and 125.380 published at 18 Ill. Reg. 14475, September 23, 1994.

15) Summary and Purpose of amendments: In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting changes in the federal rules relative to meat and poultry inspection. The Department is adopting amendments to 9 CFR Parts 303 and 381 of the Food Safety and Inspection Service regulations which exempts from federal inspection the preparation of pizzas topped with inspected and passed, cooked, or cured, ready-to-eat meat food or poultry product under certain terms and conditions. The rule also

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clarifies that such products containing poultry products are subject to the adulteration and misbranding provisions of the Poultry Products Inspection Act. The federal meat inspection regulations already specify that any articles produced at businesses or operations that are exempted from federal inspection must comply with the adulteration and misbranding provisions of the Federal Meat Inspection Act. For complete information regarding these amendments, refer to the Federal Register, Volume 57, No. 149, August 3, 1992, page 34174.

- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:

Name: Judy Lozier  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/782-2172

The full text of Adopted Amendments begins on the next page:



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## TITLE 8: AGRICULTURE AND ANIMALS

## CHAPTER I: DEPARTMENT OF AGRICULTURE

## SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

## PART 125

## MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

## Section

- 125.10 Definitions
- 125.20 Incorporation by Reference of Federal Rules
- 125.30 Application for License; Approval
- 125.40 Official Number
- 125.50 Inspections; Suspension or Revocation of License
- 125.60 Administrative Hearings; Appeals
- 125.70 Assignment and Authority of Program Employees
- 125.80 Schedule of Operations; Overtime
- 125.90 Official Marks of Inspection, Devices and Certificates
- 125.100 Records and Reports
- 125.110 Exemptions
- 125.120 Disposal of Dead Animals and Poultry
- 125.130 Reportable Animal and Poultry Diseases
- 125.140 Detention; Seizure; Condemnation

## SUBPART B: MEAT INSPECTION

## Section

- 125.150 Livestock and Meat Products Entering Official Establishments
- 125.160 Equine and Equine Products
- 125.170 Facilities for Inspection
- 125.180 Sanitation
- 125.190 Ante-Mortem Inspection
- 125.200 Post-Mortem Inspection
- 125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
- 125.220 Humane Slaughter of Animals
- 125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
- 125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
- 125.250 Marking Products and Their Containers
- 125.260 Labeling, Marking and Containers
- 125.270 Entry into Official Establishment; Reinspection and Preparation of Product
- 125.280 Meat Definitions and Standards of Identity or Composition
- 125.290 Transportation
- 125.295 Imported Products
- 125.300 Special Services Relating to Meat and Other Products
- 125.305 Exotic Animal Inspection

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## SUBPART C: POULTRY INSPECTION

## Section

- 125.310 Application of Inspection
- 125.320 Facilities for Inspection
- 125.330 Sanitation
- 125.340 Operating Procedures
- 125.350 Ante-Mortem Inspection
- 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
- 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
- 125.380 Labeling and Containers
- 125.390 Entry of Articles into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
- 125.400 Definitions and Standards of Identity or Composition
- 125.410 Transportation; Sale of Poultry or Poultry Products

**AUTHORITY:** Implementing and authorized by the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650] and the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

**SOURCE:** Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1636, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19,



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1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 15725, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 22, 1994; amended at 18 Ill. Reg. 14954, effective SEP 26 1994.

## Section 125.110 Exemptions

- a) Meat and/or poultry and meat and/or poultry products exempted from ante-mortem and post-mortem inspection requirements shall be as set forth in Section 5 of the Act. Transportation of meat and/or poultry and meat and/or poultry products which are exempted from ante-mortem and post-mortem inspection shall be in accordance with Section 5 of

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the Act (i.e., they cannot be transported in commerce). Labeling requirements on such exempted meat and/or poultry and meat and/or poultry products shall be as stated in Section 5 of the Act.  
 b) The Department incorporates by reference 9 CFR 303.2 (1990).  
 c) The Department incorporates by reference 9 CFR 303.1(e) and 9 CFR 381.10(e) (57 FR 34174, 1992).

(Source: Amended at 18 Ill. Reg. 14954, effective SEP 26 1994)



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The full text of Adopted Amendments begins on the next page:

- 1) Heading of the Part: Refrigerated Warehouses Act
- 2) Code Citation: 8 Ill. Adm. Code 515
- 3) Section Numbers: Adopted Action:
  - 515.5 Amendment
  - 515.60 Amendment
  - 515.110 Amendment
  - 515.130 Amendment
  - 515.150 Amendment
- 4) Statutory Authority: The Illinois Refrigerated Warehouses Act [240 ILCS 35] and the Meat and Poultry Inspection Act [225 ILCS 650].
- 5) Effective Date of amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 23, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994, 18 Ill. Reg. 9033
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive editorial corrections are made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Citations to the Illinois Compiled Statutes are added, and the Illinois Revised Statute citations are deleted.
- 16) Information and questions regarding this adopted amendment shall be directed to the attention of:
  - Name: Debbie Wakefield
  - Address: Illinois Department of Agriculture
  - State Fairgrounds
  - Springfield, Illinois 62794-9281
  - Telephone: 217/782-2172



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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER 0: WAREHOUSE REGULATIONS

PART 515  
REFRIGERATED WAREHOUSES ACT

Section	
515.5	Definitions
515.10	Enforcement
515.20	Who is Required to be Licensed
515.30	Articles of Food Covered by the Act
515.40	Application for License
515.50	Renewal of License
515.60	Construction and Equipment Requirements
515.70	Revocation of License (Repealed)
515.80	Identification of Containers
515.90	Lot Numbers
515.100	Violation
515.110	Extension of Storage Period
515.120	Records and Inventory
515.130	Retention, Confiscation, and Destruction
515.140	Transportation and Transactions
515.150	Administrative Hearing

AUTHORITY: Implementing and authorized by the Illinois Refrigerated Warehouses Act [240 ILCS 35]; authorized and implementing the Meat and Poultry Inspection Act [225 ILCS 650].

SOURCE: Rules and Regulations Relating To Refrigerated Warehouses, filed April 27, 1970, effective May 7, 1970; amended February 9, 1972, effective February 19, 1972; amended August 1, 1974, effective August 12, 1974; codified at 5 Ill. Reg. 10559; amended at 7 Ill. Reg. 1770, effective February 2, 1983; amended at 18 Ill. Reg. 14900, effective SEP 26 1994.

## Section 515.5 Definitions

- a) As used in these rules this Part the following terms shall have the meanings specified:

"Act" means the Illinois Refrigerated Warehouse Warehouses Act ~~title Rev--Stat--1981--ch--56--1-2--par--79--1-et-seq--~~ [240 ILCS 35].

"Sanitary Inspection Act" means "AN ACT to prevent the preparation manufacture, packing, storing, or distributing of food intended for sale or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof title Rev--Stat--1981--ch--56--1-2--par--67--et-seq--" the Sanitary Food Preparation Act [410 ILCS 650].

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- b) Words in the singular form shall be deemed to include the plural, words in the masculine form shall be deemed to include the feminine form, and vice versa, as the case may require.

(Source: Amended at 18 Ill. Reg. 14080, effective SEP 26 1994)

## Section 515.60 Construction and Equipment Requirements

Refrigerated warehouses shall comply with provisions of the Sanitary Inspection Act ~~title Rev--Stat--1981--ch--56--1-2--par--67--76--~~ [410 ILCS 650] as well as the Illinois Refrigerated Warehouses Act. Refrigerated warehouses shall be constructed and equipped with accurate and reliable controls as necessary for the freezing and holding in a frozen condition any food product accepted for storage. Upon examination of the warehouse, the Department inspector shall notify the licensee in writing of any condition which exists that could be detrimental to the freezing and holding of the food product or its use as human food or intended use without causing physical or health conflicts. The notice shall also state what must be done to remedy the condition and the time limit for doing so. In setting the time period for bringing the refrigerated warehouse into compliance, the Department shall consider the type of food product in storage, the length of time it has been in storage, its apparent condition, costs and time necessary to remedy the condition, and any facts or circumstances that could ~~effect~~ affect the wholesome condition of the food product. The Department's primary concern is to keep the food product in storage acceptable for human food or intended use. No license will be issued or the license will be revoked if the licensee fails or refuses to bring the warehouse into compliance. This rule is subject to 8 Ill. Adm. Code 515.100.

(Source: Amended at 18 Ill. Reg. 14080, effective SEP 26 1994)

## Section 515.110 Extension of Storage Period

In accordance with Section 8 of the Act, applications for permits to retain articles of food in storage beyond the 24-month period shall be received by the Department at least 30 days before expiration of the time that the food is to be removed from storage. Extension for further storage shall be granted if, upon examination, the articles of food are found to be in wholesome condition for further storage in accordance with the Meat and Poultry Inspection Act ~~title Rev--Stat--1981--ch--56--1-2--par--361-et-seq--~~ [225 ILCS 650] and the Meat and Poultry Inspection rules (8 Ill. Adm. Code 125--Chapter-17-Subchapter e). If extension of the time period of storage is approved, the Department shall issue to the licensee a written order stating the extension of time allowable for the food products covered in such request for extension. In determining the extension period, the Department shall consider the type of food product in storage, its apparent condition, length of time it has been in storage and any facts or circumstances that could ~~effect~~ affect the wholesome condition of the food product for human consumption or its intended use.



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the licensee is not satisfied with the decision on the extension, the licensee may request an administrative hearing (see 8 Ill. Adm. Code 515.150) to present his case. When requested by the Department for use at an administrative hearing or in order for the inspector to assure the wholesomeness of the food product in extended storage, the refrigerated warehouseman shall furnish a list of all foods in said warehouse which have been in storage 24 months, including the time such product was held in other Illinois warehouses and other states where the facts are known.

(Source: Amended at 18 Ill. Reg. 14930, effective SEP 20 1994)

**Section 515.130 Retention, Confiscation, and Destruction**

Any authorized representative of the Department is empowered to retain in the warehouse or confiscate any product stored over 24 months and found to be in noncompliance with the Meat and Poultry Inspection Act (~~4115-Rev-Stat-19817 ch-56-1/2-par-301-et-seq-7~~ [225 ILCS 650] and the rules promulgated pursuant thereto (8 Ill. Adm. Code 125 ~~7-Chapter-17-Subchapter-c~~). The licensee will be notified personally or by certified or registered mail of an administrative hearing (see 8 Ill. Adm. Code 515.150) to determine the disposition of the product. If, upon examination by the proper authorities, such product is found to be unwholesome or if licensee fails or refuses to correct food products that are improperly labeled or improperly packed, the Department shall confiscate and cause such product to be destroyed or designated for use other than human consumption where the condition of the product will permit such use.

(Source: Amended at 18 Ill. Reg. 14931, effective SEP 20 1994)

**Section 515.150 Administrative Hearings**

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (~~4115-Rev-Stat-19917-ch-127-par-1001-et-seq-7~~ [5 ILCS 100] and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are ~~govern~~ governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules. The final administrative decision of the Department (see 8 Ill. Adm. Code 1.75(k) and 1.340) shall be subject to Section ~~10-14~~ 10-14 of the Act.

(Source: Amended at 18 Ill. Reg. 14932, effective SEP 20 1994)

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- 1) Heading of the Part: General Provisions
- 2) Code Citation: 56 Ill. Adm. Code 2960
- 3) Section Numbers  
2960.210 New Section  
2960.220 New Section  
2960.230 New Section  
2960.240 New Section  
2960.250 New Section  
2960.260 New Section  
Adopted Action:
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 610, 615 and 640; ch. 126 1/2, pars. 201-207 [820 ILCS 405/1700, 1701, 1705 and 1900; 330 ILCS 25/1-7].
- 5) Effective Date of Rulemaking: September 27, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: September 27, 1994
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994 at 18 Ill. Reg. 9075.
- 10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

1. All references to the Revised Statute citations are removed.
2. At line 43, opening quotation mark is added before "Matching Funds".
3. At line 91, "Of this Section" is added after "subsections (a), (b) and (c)".
4. The sentence beginning at line 146 is changed from "All financial records must be kept according to the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (June 1984)." to "All financial records must be kept according to the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036 (June, 1984), and no subsequent dates or editions are operative."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER h: JOB SERVICE

PART 2960  
GENERAL PROVISIONS  
SUBPART B: INFORMATION OBTAINED PURSUANT TO ADMINISTRATION  
OF THE STATE EMPLOYMENT SERVICE

Section	
2960.100	Disclosure Of Information
2960.105	Disclosure Of Information For Use In Employment, Training and Educational Programs Administered By State and Local Governmental Social Welfare Agencies
2960.110	Disclosure Of Information For Use By Governmental Agencies Participating In Public Works And Related Programs

SUBPART C: VETERANS' EMPLOYMENT ACT PROGRAM

2960.210	Definitions
2960.220	Designation of Multi-Purpose Service Centers
2960.230	Target Groups
2960.240	Program Funding
2960.250	Responsibilities and Reporting Requirements
2960.260	Rural Outreach Initiative

AUTHORITY: Implementing and authorized by Sections 1700, 1701, 1705 and 1900 of the Unemployment Insurance Act [820 ILCS 405/1700, 1701, 1705 and 1900]; implementing and authorized by the Veterans' Employment Act [330 ILCS 25].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 31, filed as amended June 23, 1977, effective July 3, 1977; rule repealed by operation of law October 1, 1984; new rule adopted at 9 Ill. Reg. 15878, effective October 8, 1985; amended at 12 Ill. Reg. 13596, effective August 5, 1988; amended at 13 Ill. Reg. 5940, effective April 18, 1989; amended at 18 Ill. Reg. 14935, effective SEP 27 1994.

SUBPART C: VETERANS' EMPLOYMENT ACT PROGRAM

Section 2960.210 Definitions

"Community Non-Profit Agency or Organization" means a local agency or organization which is registered as a non-profit corporation with the Secretary of State and/or has been granted non-profit status by the United States Internal Revenue Service.

"Department" means the Illinois Department of Employment Security.

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13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:  
Responsibility for the Veterans Employment Act Program was transferred to the Department of Employment Security, and these rules provide guidelines for the Program's administration.

16) Information and questions regarding these adopted amendments shall be directed to:  
Name: Gregory J. Rame1, Deputy Legal Counsel  
Address: Illinois Department of Employment Security  
401 South State Street - 2 South  
Chicago, Illinois 60605  
Telephone: 312/793-4240

The full text of the Adopted Amendments begins on the next page:



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"Director" means the Director of the Illinois Department of Employment Security.

"Matching Funds" means cash expenditures, commodities, supplies, equipment, rents or leases calculated at fair market value. Volunteer services may be used as matching funds equal to the value of the services of paid employees.

"Veteran" means any honorably discharged veteran of the United States Armed Forces.

(Source: SEP 27 1994 18 Ill. Reg. 14935, effective

## Section 2960.220 Designation of Multi-Purpose Service Centers

a) The Director shall designate multi-purpose service centers to provide job training, counseling, and placement services in the designated areas on the basis of applications from interested community non-profit agencies or organizations.

b) Applications must be submitted to the Director on forms provided by the Department. These forms will be available to interested parties no later than April 1 of each year. Forms may be obtained by writing or calling the Department. Completed forms must be delivered in person to the Department or post-marked no later than May 15th of each year. Applicants chosen to be designated as multi-purpose service centers will be notified in writing by August 1. Applicants not chosen will also be notified in writing by August 1.

c) The Director shall make the designations based on a thorough review of all applications submitted. The application forms will contain the information necessary to evaluate the criteria listed below. Each applicant must document designation as a non-profit organization by the Secretary of State and/or the Internal Revenue Service to be an eligible applicant. Eligible applicants will be judged relative to all other applicants received. All criteria will be weighted equally. The evaluation criteria are:

- 1) The extent to which the applicant has experience providing social services.
- 2) The overall quality of the program that the applicant proposes to deliver the required services. This will be judged by comparing the narrative program descriptions of each applicant. This narrative must include such information as location of the service center, estimated number of veterans to be served, services to be delivered and means of delivery.
- 3) The extent to which the applicant demonstrates the availability of local resources to assist in implementing and continuing the program. This will be judged by the amount of resources, cash and in-kind, budgeted by the applicant to supplement the funds requested under the Veterans' Employment Act. This information

will be required in the proposed budget section of the application form.

d) Designation will be valid for one year only. Designated centers will be required to re-apply each year in accordance with subsections (a), (b), and (c) of this Section.

(Source: Added at 18 Ill. Reg. 14935, effective SEP 27 1994)

## Section 2960.230 Target Groups

The multi-purpose service centers must make services available to all eligible veterans. All recipients must be honorably discharged veterans of the United States Armed Forces.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective SEP 27 1994)

## Section 2960.240 Program Funding

a) The Director will enter into a grant agreement with each of the community non-profit agencies or organizations designated to serve as a multi-purpose service center. These agreements will identify the parties and enumerate all of the rights and responsibilities of each party exactly as stated in Section 2960.250 of this Part. The term of the agreement will be that of the State fiscal year, July 1 to June 30.

b) Funds will be provided by the Department from those monies appropriated by the General Assembly for this purpose. Program operations must begin within thirty days after the signing of the agreement.

c) Each agreement will enumerate the scope of the services required to be provided by the multi-purpose service center. The agreement must also describe in detail how each service will be delivered.

d) Each local agency is required by the Act to provide matching funds of not less than 5% of the contract amount [330 ILCS 25-7(b)].

e) To the extent possible, supervisory, technical and administrative positions relating to the local program shall be filled by veterans [330 ILCS 25-7(b)].

(Source: Added at 18 Ill. Reg. 14935, effective \_\_\_\_\_)

## Section 2960.250 Responsibilities and Reporting Requirements

a) Once the Director and each designated community non-profit agency or organization have agreed upon the amount necessary to operate the multi-purpose service center and signed the grant agreement, the Director will make available ten percent (10%) of that amount to start



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up and begin operations. Subsequent to that, the local agency will submit to the Director at the end of the month a complete accounting of all expenses incurred in that month. The Department will reimburse budgeted expenses as incurred.

- b) Allowable start-up costs will be those for: personal and fringe benefits; travel; office equipment and supplies; office rent; postage; telephone; printing; and contractual expenses for professional services. Procurement of supplies and equipment with State funds must be done in accordance with the State statutes and the rules of the Department of Central Management Services. Unspent State funds shall be maintained in accounts covered under Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation agreements.

- c) Travel expenses will be reimbursed in accordance with the latest Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800).

- d) The grantee shall keep records which detail the grantee's expenditure summaries submitted pursuant to subsection (a). All financial records must be kept according to the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036 (June 1984), and no subsequent dates or editions are operative. An annual audit of grant funds shall be conducted by the Department. All grantee records which reflect the actual activities conducted and the actual costs and expenses incurred by the grantees will be subject to an audit at any time by the Department's internal auditor.

- e) Each local agency will also submit an annual report to the Director following completion of the fiscal year, June 30. This report shall include evaluations of the effectiveness of the job training, placement and service programs to veterans including the number of persons served by the various service programs, and estimates of the cost effectiveness of the various components of the center. This report must be submitted no later than July 31 of each year. [330 ILCS 25/7(b)]

(Source: Added <sup>at</sup> SEP 27 1994 18 Ill. Reg. 14935, effective

## Section 2960.260 Rural Outreach Initiative

- a) Applicants proposing to serve areas outside of Cook County shall include, as a part of their applications, a plan for a Rural Outreach Initiative. This Plan should specify the means by which the applicant proposes to insure the delivery of services to veterans in rural areas who would not otherwise have access to the program.

- b) Each Rural Initiative Plan will be evaluated by the Department to assure that it is sufficient to meet the need of the rural areas involved. The criteria consist of:

- 1) whether the plan includes an analysis of the population and

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problems (e.g., number of veterans, unemployment rate, particular circumstances such as plant closings, etc.) involved in the area. Whether the proposed budget can realistically result in the delivery of the services described in the plan.

2)

(Source: Added SEP 27 1994 18 Ill. Reg. 14935, effective



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1) Heading of the Part: Notices, Records, Reports2) Code Citation: 56 Ill. Adm. Code 27603) Section Numbers: Adopted Action:

2760.120 Amended Section

2760.125 Amended Section

2760.140 Amended Section

2760.150 Amended Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 314, 344, 370, 380, 382, 450, 550, 551, 552, 554, 555, 610, 611, 616, 630, 631, 681 and 688 [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].5) Effective Date of Rulemaking: September 27, 19946) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: September 27, 19949) Notice of Proposal Published in Illinois Register:  
June 24, 1994 at 18 Ill. Reg. 9082.10) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

1. All references to the Revised Statute citations are removed.

2. The main source note is updated to reflect the expiration of the emergency amendment.

3. In line 88, the second "shall" is deleted.

4. In lines 113, 119, 123 and 148, "paragraphs (1) or (2)" is changed to "subsection (a)(1) or (a)(2) of this Section".

5. At line 121, "paragraph" is changed to "subsection".

6. At line 230, "of this Section" is added and "(g) and (h)".

7. At line 273, "of this Section" is added after "subsections (a)(1) and (a)(2)".

8. At line 281, "of this Section" is added after "subsections (a)(1) and (a)(2)".

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9. At line 324, add "any penalty and" after "shall be liable for".10. At line 328, "below" is inserted after "subsection (c)".11. At line 349, the sentence, "Such form will be attached to the Statement of Account and may otherwise be obtained and shall be completed in the same manner as provided in subsection (b)." now reads "Such form may be obtained and shall be completed in the same manner as provided in subsection (b) above."12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking:

The amendment to Section 2760.140 is intended to limit the scope of mandatory electronic reporting to the employer which had 250 or more workers in its employ during the preceding calendar year only (currently, the rule provides for current or preceding year). The amendment also pushes the effective date back to 1995 and allows newly subject employers to request a two quarter deferral before being required to comply.

The changes to Section 2760.120 are intended to ease administrative processing by requiring an employer which, during a quarter, files for bankruptcy or transfers substantially all of the employing enterprise to file a separate quarterly contribution and wage report for the period before and for the period after the filing or the transfer. The other changes are merely technical.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Gregory J. Ramel, Deputy Legal Counsel  
Address: Illinois Department of Employment Security  
401 South State Street - 2 South  
Chicago, Illinois 60605

Telephone: 312/793-4240

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 56: LABOR AND EMPLOYMENT

## CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

## SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

## PART 2760

## NOTICES, RECORDS, REPORTS

## SUBPART A: GENERAL OBLIGATIONS

## Section

2760.1 Posting and Maintaining Notices

2760.5 Identification Of Workers Covered By The Act

2760.10 Filing By Mail

## SUBPART B: REPORTS AND RECORDS

## Section

2760.100 Reports

2760.105 Reports Of Employing Units As To Their Status

2760.110 Employing Unit Terminating Business

2760.115 Records With Respect To Employment

2760.120 Employer's Contribution Report

2760.125 Employer's Wage Report

2760.130 Reporting "Excess" Wages

2760.135 Remittance of Contributions Due And Use of Transmittal Form

2760.140 Use of Electronic Data Processing Media For Quarterly Reporting

2760.145 Correcting The "Employer's Contribution And Wage Report"

2760.150 Consequences Of An Error In The Preparation Of The "Employer's Contribution And Wage Report"

**AUTHORITY:** Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].

**SOURCE:** Department of Labor, Bureau of Employment Security Regulations 4, 7, and 8, filed as amended May 3, 1977, effective May 13, 1977; Regulation 11 filed as amended May 4, 1977, effective May 14, 1977; Regulations 5 and 32 filed as amended June 23, 1977, effective July 3, 1977; Regulations 6 and 12 filed as amended September 12, 1977, effective September 12, 1977; rules repealed by operation of law on October 1, 1984; new rules adopted at 10 Ill. Reg. 6939, effective April 15, 1986; emergency amendment at 12 Ill. Reg. 222, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13604, effective August 4, 1988; amended at 12 Ill. Reg. 16070, effective September 23, 1988; amended at 16 Ill. Reg. 3993, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 13798, effective August 4, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 261, effective December 27, 1993; emergency amendment at 18 Ill. Reg. 2631, effective February 3, 1994, for a

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maximum of 150 days; emergency amendment modified at 18 Ill. Reg. 7494; emergency expired July 3, 1994; amended at 18 Ill. Reg. 14942, effective SEP 27 1994.

## Section 2760.120 Employer's Contribution Report

- a) Each quarter the agency shall provide each employer subject to the Unemployment Insurance Act, including employers electing to make payments in lieu of paying contributions under Sections 1404, 1405 or 302 of the Act (~~§§11-Rev-Stat-1989, ch-48, pars-5547-5557-382~~) [820 ILCS 405/1404, 1405, 302], with a preprinted packet which includes a form, "Employer's Contribution and Wage Report", or which respect to employers subject to Section 2760.140, a form "Quarterly Electro-Magnetic Filing Notice", in part, for filing its quarterly unemployment insurance contribution report. Subject to the provisions of Section 2760.140 of this Part, unless the employer was held subject to the Act within the one year period prior to the due date of this form and had not yet been assigned an Illinois account number, the employer must use the left side of the preprinted form provided for filing its report. Except as provided in the previous sentence, the use of a blank (not preprinted for the employer) form will be considered an incomplete submission and be returned to the employer for resubmission. Replacement preprinted forms are available upon request (see Section 2760.125(a)(4) for extensions of the time for filing).

- 1) In the event that an employer files a petition in bankruptcy under the Bankruptcy Code (Title 11, U.S.C.), the employer shall file two "Employer's Contribution and Wage Reports" for the quarter in which the petition is filed. One report shall address the period beginning on the first day of the quarter to, and including, the day prior to the date of the filing of the petition. The other report shall address the period beginning on the date of the filing of the petition to, and including, the last day of the calendar quarter.

Example: Corporation A files a petition in bankruptcy on August 15, 1994. Corporation A is required to file two "Employer's Contribution and Wage Reports" for the third quarter of 1994, both due October 31, 1994. One will cover the period to and including August 14, 1994, and Corporation A will calculate contributions due for that period. The other report will cover the period beginning August 15, 1994, to and including September 30, 1994, and will reflect the contributions due for that period.

- 2) In the event that an employer transfers substantially all of its employing enterprises to another employing unit but continues to be a liable employer, the employer shall file two "Employer's Contribution and Wage Reports" for the calendar quarter in which the transfer occurs. One report shall address the period beginning on the first day of the quarter to, and including, the



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date of transfer. The other report shall address the period beginning on the first day after the date of transfer to, and including, the last day of the calendar quarter.

Example: On August 15, 1994, Corporation A, which owns a retail establishment, the XYZ Store, sells the entire business, except the name "XYZ Store" to Corporation B. The officers of Corporation A continue to perform services and are paid wages after the transfer. Corporation A is required to file two "Employer's Contribution and Wage Reports" for the third quarter of 1994, both due October 31, 1994. One will cover the period to, and including, August 15, 1994, and Corporation A will calculate contributions due for that period. The other report will cover the period beginning August 16, 1994, to and including September 30, 1994, and will reflect the contributions due for that period.

3) The employer may obtain a second imprinted "Employer's Contribution and Wage Report" form upon request (see Section 2760.125(a)(4) for extensions of time for filing).

4) In the event the employer files only one report for a quarter for which two reports are required under subsection (a)(1) or (a)(2) of this Section and provides the total and taxable wages for the entire quarter in the report, the report will be deemed to be insufficient as provided in Section 1402. The employer must file within 30 days after the mailing of a notice to it of insufficiency, the two reports as required in either subsection (a)(1) or (a)(2) of this Section as applicable, or the penalties provided in Section 1402 shall apply.

5) Except as otherwise provided in this subsection, the penalties provided for in Section 1402 of the Act regarding each report required under subsection (a)(1) or (a)(2) of this Section shall be calculated on the basis of the total wages paid and contributions due for the period to which that report applies. Regardless of whether the employer fails to timely file one of both of the reports, the total penalty for such failure shall not exceed \$5,000 and the minimum penalty for such failure shall be \$50.00. The minimum penalty for willful failure to pay any contribution, or part thereof, with intent to defraud the Director, shall be \$400, regardless of whether the employer fails to make such payment for both or only one of the periods.

Example: An employer timely files his report representing the part of the quarter prior to the date of filing of the petition in bankruptcy. He is late in filing his report for the part of the quarter including the date the petition is filed. The penalty will be calculated only on the amount of wages paid as reflected in the report for the period including the date the petition in bankruptcy is filed.

b) In addition to the identifying information on the "Employer's Contribution and Wage Report", the employer must provide the total

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wages paid during the quarter, the taxable wages paid during the quarter and the number of employees during the pay period which includes the 12th day of each month of that quarter. For purposes of this subsection, where an employer is required to file two reports pursuant to subsection (a)(1) or (a)(2) of this Section, "quarter" shall mean the period required to be addressed by the report.

(Source: Amended at 18 Ill. Reg. 14, effective SEP 27 1994.)

## Section 2760.125 Employer's Wage Report

## a) Filing Wage Reports

1) Every employer subject to the Unemployment Insurance Act, including employers electing to make payments in lieu of paying contributions under Sections 1404, 1405 or 302 of the Act ~~§§17-Rev--Stat--1989, ch--48, pars--554, 555-382~~ [820 ILCS 405/1404, 1405, 302], shall file a report, or reports if so required under Section 2760.120(a)(1) or (2), each calendar quarter, listing the name and Social Security Account Number of each covered worker and, except as provided in Section 2760.130 of this Part, the total wages paid to each worker. Except as provided in Section 2760.140, the ~~the~~ report(s) shall be made on the right side of a form(s) designated "Employer's Contribution and Wage Report," which is a part of a preprinted packet provided each quarter by the agency to every employer subject to the Unemployment Insurance Act and shall be filed on or before the last day of the calendar month next following the close of the calendar quarter.

2) Commencing with the quarter in which ~~When~~ an employing unit becomes an employer, including employers electing to make payments in lieu of paying contributions under Sections 1404, 1405 and 302 of the Act ~~§§17-Rev--Stat--1989, ch--48, pars--554, 555-382~~ [820 ILCS 405/1404, 1405, 302], it shall file the form designated by the Director as "Employer's Contribution and Wage Report" (listing thereon the information required by subsection (a)(1)), with respect to each calendar quarter beginning with the calendar quarter ~~as of which it became~~ for which it is considered to be an employer. The reports due under this subsection shall be filed on or before whichever of the following dates is later:

A) The thirtieth day following the date upon which the form designated by the Director as "Employer's Contribution and Wage Report" is mailed to the employing unit for completion; or,

B) The last day of the calendar month next following the calendar quarter in which such employing unit becomes an employer.

3) The information with respect to each worker required by subsection (a)(1), may be submitted on a form other than that designated by the Director as "Employer's Contribution and Wage



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Report", provided that the Director has approved the use of such substitute form. The Director will approve such substitute form if it provides the same information in the same format on the same size paper.

- 4) Upon written request filed with the Director prior to the due date of the report, the Director shall, for any reasonable cause shown, grant in writing an extension of a maximum of 30 days for the filing of any report required under subsection (a)(1) or (a)(2). A reasonable cause is when ~~employers~~ an employer cannot meet a due date through no fault of its own or because of circumstances beyond its control.

A) Such request shall make a full explanation of the reasons for the request and shall state the date to which the extension is desired.

B) If an employer which has been granted an extension of time pursuant to this subsection fails to file the report on or before the extended due date, the penalty referred to in subsection (b) shall occur from the original due date as if no extension had been granted.

- b) Any employer, including an employer electing to make payments in lieu of paying contributions under Sections 1404, 1405 or 302 of the Act (~~4111--Rev. Stat. 1989--ch. 48--par. 554--555--3827~~ [820 ILCS 405/1404, 1405, 302] which, during any calendar quarter, has paid wages to any of its workers, and which fails to file a report[s] of such wages on or before the date it is due under the provisions of this Section, shall pay penalties as set forth in Section 1402 of the Act (~~4111--Rev. Stat. 1989--ch. 48--par. 552~~ [820 ILCS 405/1402] and 56 Ill. Adm. Code 2765, codified thereunder.

- c) An extension in the period of time for filing a wage report does not extend the deadline for making payment of any required contributions.

(Source: ~~Amended~~ at 18 Ill. Reg. 14042, effective September 1994)

### Section 2760.140 Use of Electronic Data Processing Media For Quarterly Reporting

- a) Except as provided in subsections (g) and (h) of this Section, effective ~~Effective~~ with the reports due for the first quarter of 1994, the reports required by Sections 2760.120 and 2760.125 must be filed by the use of an electronic data processing medium which meets the approval of the Director. The Director shall approve the use of electronic data processing media for reporting if he finds that:

- 1) All of the data required on the forms provided by the Director for quarterly reporting are also provided by the employer in the same format on the electronic data processing medium; and,
- 2) The employer's electronically data processed reports are compatible and readable by the electronic data processing equipment used by the Director without the need for any

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programming adjustment by the Director.

- b) Subsection (a) shall only apply to an employer for a calendar year if ~~on the first day of such calendar year the employer reasonably expects to have 250 or more individuals in its employ (though not necessarily at the same time) during the prior calendar year.~~

Example: During 1993, the employer has no more than 225 individuals in its employ at any one time. However, during the year, 25 of these individuals leave the employ of the employer and are replaced by 25 other individuals. Though the employer's labor force never exceeds 225 individuals at any one time, the employer had 250 individuals in its employ during 1993 and, therefore, is subject to subsection (a) for 1994.

- c) ~~Except as otherwise provided for in this subsection, the failure of an employer which is subject to subsection (a) to report in the manner required by that subsection shall subject the employer to the penalties set forth in Section 1402 of the Act. The Director shall, without further action by the employer being required, find good cause for the waiver of penalty, for any quarter in 1994 only, where an employer subject to the mandatory electronic reporting requirements of this Section files its reports for that quarter in compliance with Sections 2760.120 and 2760.125.~~

- d) ~~Where not required by subsection (a), the reports required by Sections 2760.120 and 2760.125 may be made by the use of an electronic data processing medium which meets the prior written approval of the Director. The Director shall approve the use of an electronic data processing medium for reporting if it meets the requirements of subsections (a)(1) and (a)(2) of this Section and if the employer agrees to file both reports by the use of an electronic data processing medium.~~

- e) ~~Any employer which was authorized by the Director, before the effective date of this amended Section December 27, 1993, to submit both of its quarterly reports on an electronic data processing medium may continue to do so without further approval by the Director, on the condition that the medium continues to meet the requirements of subsections (a)(1) and (a)(2) of this Section. Such employer is, however, subject to the requirements of subsection (f) of this Section.~~

- f) ~~The first report submitted electronically pursuant to this Section for any calendar year must be accompanied by a certification, on a form provided for this purpose by the Director, signed by the owner, partner or authorized officer or official, that the information submitted is true and correct to the best of his knowledge and belief and that no part of the contribution reported was or is to be deducted from the worker's wages.~~

- g) ~~The Director shall waive the reporting requirements of this Section for any employer which has been granted waiver of the electronic reporting requirements of Internal Revenue Service Procedure 91-33.~~



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If the waiver granted by the Commissioner of the Internal Revenue Service covers a period other than a calendar year, the Director shall waive the reporting requirements of this Section for the calendar year or years of which the Internal Revenue Service's waiver covers a portion.

Example: The Commissioner of the Internal Revenue Service waives the reporting requirements of Internal Revenue Service Procedure 91-33 for an employer for the period from July 1, 1994 through June 30, 1995. The Director shall waive the reporting requirements of this Section for both calendar years 1994 and 1995.

- b) Where an employer was not subject to the mandatory electronic reporting requirements of this Section for any quarter of the prior calendar year but is subject to those requirements for the current calendar year, the employer may, for the first and second quarters of the current calendar year, file its quarterly reports in compliance with Sections 2760.120 and 2760.125.

Example: The employer had, in total, 240 individuals in its employ during calendar year 1993. In calendar year 1994, the employer had, in total, 260 individuals in its employ. The employer will not be required to report electronically for the first or second quarter of calendar year 1995 but will be required to report electronically for at least the third and fourth quarters of that year.

(Source: Amended at 18 Ill. Reg. 14942, effective SEP 21 1994)

# Section 2760.150 Consequences Of An Error In The Preparation Of The "Employer's Contribution And Wage Report"

- a) If an error in the preparation of the "Employer's Contribution and Wage Report" results in an underreporting of contributions due, the employer shall be liable for any penalty and the delinquent contributions plus interest, calculated in accordance with Section 1401 of the Act (~~Ill.-Rev.-Stat.-1989, ch.-48, par.-55~~) (~~820 ILCS 405/1401~~), from the date that the original report was due.

- b) Except as provided in subsection (c) below, if an error in the preparation of the "Employer's Contribution and Wage Report" resulted in an overpayment of contributions, the employer may file a claim for an adjustment ~~credit~~ or refund. Such claim must be filed within the period provided in Section 2201 of the Act (~~Ill.-Rev.-Stat.-1989, ch.-48, par.-68~~) (~~820 ILCS 405/2201~~). Such request shall be filed on a form entitled "Employer's Claim for Adjustment/Refund." Such forms may be obtained by writing to the Department of Employment Security, Revenue Division, 401 South State Street, Chicago, IL 60605. On the form the employer must provide certain identifying information, its computation of the amount of its claim and the basis for its claim. This form must be signed by the owner, a partner, an officer of a

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corporation or its authorized agent who states that the information contained in the form is true and correct to the best knowledge and belief of the signer.

- c) In the event that the employer is mailed a Statement of Account which indicates that the employer's account has a credit balance and the employer wishes to obtain a cash refund, the employer may file for such refund within the period provided in Section 2201, on the form "Employer Request for Refund--Statement of Account." Such form may be obtained and shall be completed in the same manner as provided in subsection (b) above.

(Source: ~~Amended~~ at 18 Ill. Reg. 14942, effective SEP 21 1994)



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- 1) Heading of the Part: Payment of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Numbers: Adopted Action:  
 2765.44 New Section  
 2765.45 Amended Section  
 2765.68 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611 and 750 [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600].
- 5) Effective Date of Rulemaking: September 27, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: September 27, 1994
- 9) Notice of Proposal Published in Illinois Register:  
 June 24, 1994 at 18 Ill. Reg. 9094.

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

1. All references to the Revised Statute citations are removed.
2. The main source note is updated in accordance with the instructions of the Administrative Code Division and the Joint Committee's staff.
3. In line 172, "of this Section" is added after "(2)".
4. In line 173, "subsections (a)(1)" is changed to "subsections (a)(1) above".
5. In line 177, "above" is inserted after "subsection (a)(2)".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking:

The new section provides for a \$20 fee when contributions, penalties or interest are paid with an NSF check. Section 1765.45 sets forth the application of payments and Section 2765.68 now sets forth when penalties are applied in situations where the employer file two wage and contribution reports in a single quarter (see Section 2760.120).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Gregory J. Ramel, Deputy Legal Counsel  
 Address: Illinois Department of Employment Security  
 401 South State Street - 2 South  
 Chicago, Illinois 60605  
 Telephone: 312/793-4240

The full text of the Adopted Amendments begins on the next page:



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## TITLE 56: LABOR AND EMPLOYMENT

## CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

## SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

## PART 2765

## PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

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2765.5	Definitions
2765.10	Payment Of Contributions
2765.15	Liability For The Entire Year
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2765.20	Contributions Of Employers By Election
2765.25	Payments In Lieu Of Contributions
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2765.45	Application Of Payment
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2765.63	When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
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2765.65	Waiver Of Interest Or Penalty
2765.66	Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
2765.67	Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State
2765.68	Waiver <del>of</del> Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40)
2765.69	Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions
2765.70	Waiver Of Interest For Certain Nonprofit Organizations or Local Governmental Entities
2765.71	Waiver Of Interest Accruing Due To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment
2765.74	Time For Paying Or Filing Delayed Payment Or Report
2765.75	Application For Waiver
2765.80	Approval Of Application For Waiver

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2765.85 Insufficient Or Incomplete Application  
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2765.210	Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record
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2765.325	Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
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2765.330	Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
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2765.333	Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
2765.334	Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
2765.335	Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600 of the Unemployment Insurance Act (see P.A. 87-1178, effective September 22, 1992) [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7



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Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 1344, effective 1/3/94.

## SUBPART A: GENERAL PROVISIONS

**Section 2765.44 Fee For Not Sufficient Funds (NSF) Checks**

An employer that attempts to pay amounts due under this Part with a check returned to the Department because of insufficient funds (NSF) in its bank account to cover the amount of the check will be charged a fee of \$20.00.

(Source: Added at 18 Ill. Reg. 14952, effective SEP 27 1994)

**Section 2765.45 Application Of Payment**

- Whenever the employer makes a payment, and it is accompanied by a letter, Employer's Contribution Report or a Statement of Account, the money received shall be applied to the quarter or quarters indicated by such employer.
- If no designation is made for the application of the remittance, or if the payment received is more than sufficient to cover the quarter to which it applies, the remittance or the excess shall be applied to the penalties, interest, and unemployment contributions, in that order, beginning with the oldest or earliest unpaid quarters of the employer, if any.
- The application of remittance within a quarter is not subject to designation. Except for the second quarter of 1991, when payment must first be applied to the Temporary Administrative Funding required by Section 1506.3B of the Act, all remittance shall be applied first to the NSF fee required by Section 2765.44 of this Part, then to the penalties, interest and unemployment contributions, in that order.

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Example: An employer owes \$200 in contributions and \$50 in interest for the first quarter of 1993. The employer remits \$100 and asks that it be credited to the unpaid contributions due for the first quarter of 1993. \$50 will be credited to the accrued interest for the first quarter of 1993, and \$50 will be credited to the unpaid contributions due for the first quarter of 1993.

(Source: Amended at 18 Ill. Reg. 14952, effective SEP 27 1994)

**Section 2765.68 Waiver of Penalty For Certain Employers For 1987 And Thereafter Wage Reports**

- Notwithstanding any other provisions of this Part to the contrary, the Director shall waive the reporting penalty provided in Section 1402 of the Act for 1987 and for any reports of wages paid in calendar year 1987 and any calendar year thereafter, if the employer, within 30 working days of the date of mailing of the notice from the Agency that its report is delinquent, shows that:
  - The total amount of contributions due for the calendar quarter of such report is less than \$500; and,

Example: Employer A is required to file two reports for a quarter pursuant to 56 Ill. Adm. Code 2760.120. The total amount of contributions attributable to the first report is \$400. The total amount of contributions attributable to the second report is \$200. Employer A will not be entitled to a waiver of penalty under this Section with respect to either report because the total amount of contributions due for the quarter is more than \$500.

- This delinquent report is the employer's first such late report during the last 20 calendar quarters, including such quarters during which the employer was not required to file reports under the Act.

- The employer's application for this waiver shall be made in the form provided in Section 2765.75, except that it need not be sworn and instead of stating the "good cause applicable," the employer shall state that it met the requirements of subsections (a)(1) and (2) of this Section. In support of its statement that it met the requirements of subsection (a)(1) above, the employer shall attach a copy of its Contribution and Wage Report for such calendar quarter.

- If the employer is required to file two reports pursuant to 56 Ill. Adm. Code 2760.120 and both reports are filed untimely, for the purposes of subsection (a)(2) above, both reports will be deemed to be a single delinquent report.

(Source: Amended at 18 Ill. Reg. 14952, effective SEP 27 1994)



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Wages2) Code Citation: 56 Ill. Adm. Code 27303) Section Numbers: Adopted Action:

2730.100 Amended Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 344, 345, 370, 610 and 611 [820 ILCS 405/234, 235, 245, 1700 and 1701].5) Effective Date of Rulemaking: September 27, 19946) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: September 27, 19949) Notice of Proposal Published in Illinois Register:  
June 24, 1994 at 18 Ill. Reg. 9101.10) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

1. In "Authority" and at line 73, the Revised Statute citations are removed.

2. At line 80, the word "above" is added after "subsection (b)".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking:

This amendment sets forth the Director's interpretation that meals provided for the convenience of the employer do not constitute remuneration for personal services and, therefore, are not wages upon which contributions must be paid. A presumption is created that, when the meal is served at the location where the services are performed, it is presumed that the meal is for the benefit of the employer, and when the meal is served at a location other where the service is performed, it is presumed that the meal is not for the benefit of the employer.

16) Information and questions regarding this adopted amendment shall be

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT(S)

directed to:

Name: Gregory J. Ramel, Deputy Legal Counsel  
Address: Illinois Department of Employment Security  
401 South State Street - 2 South  
Chicago, Illinois 60605  
Telephone: 312/793-4240

The full text of the Adopted Amendment begins on the next page:



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 56: LABOR AND EMPLOYMENT

## CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

## SUBCHAPTER b: COVERAGE OF UNEMPLOYMENT INSURANCE ACT

PART 2730  
WAGES

## SUBPART B: OTHER REMUNERATION TREATED AS WAGES

## Section

2730.100 Money Value of Board And Lodging, Etc.

2730.105 Reporting Gratuities

2730.130 Exceptions To Liability Of Certain Third Party Payors For Contributions And Reporting Of Certain Payments On Account Of Sickness And Accident Disability Payments Under A Cafeteria Plan

2730.150 Payments Under A Plan Authorized By Section 401(k) of the Internal Revenue Code of 1986

**AUTHORITY:** Implementing and authorized by Sections 234, 235, 245, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/234, 235, 245, 1700 and 1701].

**SOURCE:** Illinois Department of Labor, Bureau of Employment Security, Rule 1 filed as amended June 27, 1952, effective July 7, 1952; Regulation 30 filed as amended September 12, 1977, effective September 22, 1977; rules repealed by operation of law October 1, 1984; new rules adopted at 9 Ill. Reg. 18924, effective November 25, 1985; amended at 12 Ill. Reg. 15072, effective September 8, 1988; amended at 15 Ill. Reg. 16964, effective November 12, 1991; amended at 18 Ill. Reg. 14358, effective SEP 27 1994.

## SUBPART B: OTHER REMUNERATION TREATED AS WAGES

## Section 2730.100 Money Value of Board And Lodging, Etc.

- a) Except as otherwise provided in this Section, board **Board**, lodging or other remuneration in kind received by an individual from his employer for personal services performed by the individual for the employer shall be deemed to be wages paid by the individual's employer. Meals which are given for the convenience of the employer are not remuneration for the performance of personal services and, therefore, are not wages. Meals that are given for the convenience of the employer must be furnished for substantial non-compensatory business reasons rather than as additional compensation to the worker. When the meal is served at the location where the services are performed, it is presumed that the meal is for the benefit of the employer. When the meal is served at a location other than where the service is performed, it is presumed that the meal is not for the benefit of the employer.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Example: An individual performs services at a restaurant. The employer does not want the worker to bring food from another restaurant to eat at his establishment. Meals are provided to the worker as a convenience for the employer and, therefore, are not remuneration to the worker for his services. Under such circumstances, the value of the meal is not deemed to be wages.
- 2) An employer provides ambulance services and always needs to have drivers ready for emergencies. Meals are provided at the dispatch terminal so that drivers will always be available. Under such circumstances, the value of the meals are not deemed to be wages.
- 3) Whenever a worker is required to work past seven o'clock in the evening, the employer reimburses the worker for her dinner. If the worker has the option of leaving the location where the work is performed for dinner, it is presumed that this meal is not for the benefit of the employer.
- 4) Whenever a worker is required to work past seven o'clock in the evening, the employer orders dinner brought in for the worker. It is presumed that this meal is for the benefit of the employer.

- b) The money value of the remuneration in kind received by the individual shall be the fair market value of such remuneration. "Fair market value" is the cash value of the remuneration which would be reached between a willing buyer and a willing seller. The Director has the authority to determine or approve the fair market value of the remuneration in kind received by the individual, and this value shall be used in determining the wages paid to the individual and in computing contributions due under the Unemployment Insurance Act **117-Rev---Stat---1983---ch---48---par---300---et---seq.7** [820 ILCS 405], hereinafter referred to as "the Act" **under-procedures-set-forth-in--56 117-Adm--Code-2720**.

- c) Where a money value for board, lodging or other remuneration in kind furnished an individual by an employer is agreed upon in a contract of hire, this agreed on amount shall be deemed the fair market money value of such remuneration unless this amount is less than the fair market money value specifically determined by the Director under subsection (b) above.

(Source: Amended at 18 Ill. Reg. 14358, effective SEP 27 1994 )



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Adopted Action:  
211.5060 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 9, 9.1, 10, 27 and 28.5 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1009.1, 1010, 1027 and 1028.5) [415 ILCS 5/9, 9.1, 10, 27 and 28.5 (1992)].
- 5) Effective Date of Rule: September 21, 1994
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Board's Principal Office: September 15, 1994
- 9) Notice of Proposal Published in Illinois Register:  
May 20, 1994, 18 Ill. Reg. 7589
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:  
1) The Board switched "211.5060 Pressure/Vacuum Relief Valve" and "211.5050 Pressure Tank", because they were in the wrong order.  
2) The Board corrected the statutory citation in the authority note.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?  
No agreement letter was issued. JCAR's verbal recommendations have been incorporated into the text.
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.  
211.102, 211.1920, 211.3500, 211.3620, 211.4260, 211.5340, 211.6355, 211.6360 at 18 Ill. Reg. 8331 (June 3, 1994).  
211.2300, 211.3695, 211.4130 at 18 Ill. Reg. 10536 (July 8, 1994).  
211.3480, 211.3650, 211.3660, 211.3970, 211.3990 at 18 Ill. Reg. 9228

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- (June 24, 1994).
- 15) Summary and Purpose of Rule:  
The rule addresses vapor controls for the vent pipes of gasoline storage tanks called pressure/vacuum relief valves. The amendment to this part adds the definition of the term "pressure/vacuum relief valve". This control measure is part of the State of Illinois' required submittal for its "15% rate of progress plan" (ROP) which the state submitted to USEPA in November 1993 and is required to adopt all measures listed. The Clean Air Act as amended in 1990 requires all moderate and severe ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago and Metro-East St. Louis areas are classified as severe and moderate nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement.  
  
A description is also contained in the Board's September 15, 1994 Opinion and Order which is available from the Clerk of the Board at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601 or by telephoning 312/814-3620. Please refer to docket R94-12.
- 16) Information and questions regarding this adopted rule shall be directed to:  
  
Michelle C. Dresdow  
Illinois Pollution Control Board  
P.O. Box 505  
DeKalb, IL 60115  
(815) 753-0947  
  
Please refer to Docket R94-12.

The full text of the Adopted Rule begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE B: AIR POLLUTION  
 CHAPTER I: POLLUTION CONTROL BOARD  
 SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS  
 FOR STATIONARY SOURCES

## PART 211

## DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section  
 211.101 Incorporations by Reference  
 211.102 Abbreviations and Units

## SUBPART B: DEFINITIONS

Section  
 211.121 Other Definitions  
 211.122 Definitions (Repealed)  
 211.130 Accelacota  
 211.150 Accumulator  
 211.170 Acid Gases  
 211.210 Actual Heat Input  
 211.230 Adhesive  
 211.250 Aeration  
 211.270 Aerosol Can Filling Line  
 211.290 Afterburner  
 211.310 Air Contaminant  
 211.330 Air Dried Coatings  
 211.350 Air Oxidation Process  
 211.370 Air Pollutant  
 211.390 Air Pollution  
 211.410 Air Pollution Control Equipment  
 211.430 Air Suspension Coater/Dryer  
 211.450 Airless Spray  
 211.470 Air Assisted Airless Spray  
 211.490 Annual Grain Through-Put  
 211.510 Application Area  
 211.530 Architectural Coating  
 211.550 As Applied  
 211.570 Asphalt  
 211.590 Asphalt Prime Coat  
 211.610 Automobile  
 211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant  
 211.650 Automobile or Light-Duty Truck Refinishing  
 211.670 Baked Coatings  
 211.690 Batch Loading

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

211.710 Bead-Dipping  
 211.730 Binders  
 211.750 British Thermal Unit  
 211.770 Brush or Wipe Coating  
 211.790 Bulk Gasoline Plant  
 211.810 Bulk Gasoline Terminal  
 211.830 Can  
 211.850 Can Coating  
 211.870 Can Coating Line  
 211.890 Capture  
 211.910 Capture Device  
 211.930 Capture Efficiency  
 211.950 Capture System  
 211.970 Certified Investigation  
 211.990 Choke Loading  
 211.1010 Clean Air Act  
 211.1050 Cleaning and Separating Operation  
 211.1070 Cleaning Materials  
 211.1090 Clear Coating  
 211.1110 Clear Topcoat  
 211.1130 Closed Purged System  
 211.1150 Closed Vent System  
 211.1170 Coal Refuse  
 211.1190 Coating  
 211.1210 Coating Applicator  
 211.1230 Coating Line  
 211.1250 Coating Plant  
 211.1270 Coil Coating  
 211.1290 Coil Coating Line  
 211.1310 Cold Cleaning  
 211.1330 Complete Combustion  
 211.1350 Component  
 211.1370 Concrete Curing Compounds  
 211.1390 Concentrated Nitric Acid Manufacturing Process  
 211.1410 Condensate  
 211.1430 Condensible PM-10  
 211.1470 Continuous Process  
 211.1490 Control Device  
 211.1510 Control Device Efficiency  
 211.1530 Conventional Soybean Crushing Source  
 211.1550 Conveyorized Degreasing  
 211.1570 Crude Oil  
 211.1590 Crude Oil Gathering  
 211.1610 Crushing  
 211.1630 Custody Transfer  
 211.1650 Cutback Asphalt  
 211.1670 Daily-Weighted Average VOM Content  
 211.1690 Day  
 211.1710 Degreaser



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1890	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Spray
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation
211.2130	Existing Grain-Handling Operation
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset-Web-Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3490	Low Solvent Coating
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3710	Metal Furniture



## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

211.3730	Metal Furniture Coating	211.4690	Photochemically Reactive Material
211.3750	Metal Furniture Coating Line	211.4710	Pigmented Coatings
211.3770	Metallic Shoe-Type Seal	211.4730	Plant
211.3790	Miscellaneous Fabricated Product Manufacturing Process	211.4750	Plasticizers
211.3810	Miscellaneous Formulation Manufacturing Process	211.4770	PW-10
211.3830	Miscellaneous Metal Parts and Products	211.4790	Pneumatic Rubber Tire Manufacture
211.3850	Miscellaneous Metal Parts and Products Coating	211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.3870	Miscellaneous Metal Parts or Products Coating Line	211.4830	Polyester Resin Material(s)
211.3890	Miscellaneous Organic Chemical Manufacturing Process	211.4850	Polyester Resin Products Manufacturing Process
211.3910	Mixing Operation	211.4870	Polystyrene Plant
211.3930	Monitor	211.4890	Polystyrene Resin
211.3950	Monomer	211.4910	Portable Grain-Handling Equipment
211.3970	Multiple Package Coating	211.4930	Portland Cement Manufacturing Process Emission Source
211.3990	New Grain-Drying Operation	211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4010	New Grain-Handling Operation	211.4970	Potential to Emit
211.4030	No Detectable Volatile Organic Material Emissions	211.4990	Power Driven Fastener Coating
211.4050	Non-Contact Process Water Cooling Tower	211.5030	Pressure Release
211.4070	Offset	211.5050	Pressure Tank
211.4090	One Hundred Percent Acid	211.5060	Pressure/Vacuum Relief Valve
211.4110	One-Turn Storage Space	211.5070	Prime Coat
211.4130	Opacity	211.5090	Primer Surfacer Coat
211.4150	Opaque Stains	211.5110	Primer Surfacer Operation
211.4170	Open Top Vapor Degreasing	211.5130	Primers
211.4190	Open-Ended Valve	211.5150	Printing
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	211.5170	Printing Line
211.4230	Organic Compound	211.5185	Process Emission Source
211.4250	Organic Material and Organic Materials	211.5190	Process Emission Unit
211.4270	Organic Vapor	211.5210	Process Unit
211.4290	Oven	211.5230	Process Unit Shutdown
211.4310	Overall Control	211.5250	Process Weight Rate
211.4330	Overvarnish	211.5270	Production Equipment Exhaust System
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.5310	Publication Rotogravure Printing Line
211.4370	Owner or Operator	211.5330	Purged Process Fluid
211.4390	Packaging Rotogravure Printing	211.5350	Reactor
211.4410	Packaging Rotogravure Printing Line	211.5370	Reasonably Available Control Technology (RACT)
211.4430	Pail	211.5390	Reclamation System
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant	211.5410	Refiner
211.4470	Paper Coating	211.5430	Refinery Fuel Gas
211.4490	Paper Coating Line	211.5450	Refinery Fuel Gas System
211.4510	Particulate Matter	211.5470	Refinery Unit or Refinery Process Unit
211.4530	Parts Per Million (Volume) or PPM (Vol)	211.5490	Refrigerated Condenser
211.4550	Person	211.5500	Regulated Air Pollutant
211.4570	Petroleum	211.5510	Reid Vapor Pressure
211.4590	Petroleum Liquid	211.5530	Repair
211.4610	Petroleum Refinery	211.5550	Repair Coat
211.4630	Pharmaceutical	211.5570	Repaired
211.4650	Pharmaceutical Coating Operation	211.5590	Residual Fuel Oil
211.4670		211.5610	Restricted Area
		211.5630	Retail Outlet



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6030	Smoke
211.6050	Smokeless Flare
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can

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## NOTICE OF ADOPTED AMENDMENTS

211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6710	Touch-Up
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6870	Unregulated Safety Relief Valve
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1009, 1009.1, 1010, 1027 and 1028.5) (see P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 16504, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 21471, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 1253, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 14062, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14062, effective January 21, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART B: DEFINITIONS

## Section 211.5060 Pressure/Vacuum Relief Valve

"Pressure/vacuum relief valve" means a device affixed to the storage tank vent pipe to prevent the escape or intrusion of gases.

(Source: Added at 18 Ill. Reg. 14962, effective SEP 21 1994)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Numbers: Adopted Action:  
218.112 Amendment  
218.583 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 28.5 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.5) [415 ILCS 5/10 and 28.5 (1992)].
- 5) Effective Date of Rule: September 21, 1994
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Does this Rule contain incorporations by reference? Yes
- 8) Date filed in Board's Principal Office: September 15, 1994
- 9) Notice of Proposal Published in Illinois Register:  
May 20, 1994, 18 Ill. Reg. 7602
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
  - 1) The Board corrected the citations in the authority note.
  - 2) The Board changed the "2" to a "3" in "1992" in 218.112(1), and added the word "Part" before "80".
  - 3) The Board corrected the inconsistency in the table of contents and text in the title of Section 218.583.
  - 4) The Board added the word "and" to 218.583(a)(2)(C) and (a)(3)(B).
  - 5) The Board changed "shall be" to "are" in 218.583(a)(3).

6) The Board changed the order of the wording of 218.583(4) to read in part: "The owner or operator of a gasoline dispensing operation demonstrates compliance with subsection (a)(3) of this Section, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, by measuring and recording the pressure indicated..." The Board



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further changed the "of" to "after" before "product delivery", in this subsection and in subsection (e)(4).

- 7) The Board corrected the phrase "tank pipe tank vents" to read "tank pipe vents" at 218.583 (e)(1).

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

No agreement letter was issued. JCAR's verbal recommendations have been incorporated into the text.

- 13) Will this Rule replace an emergency Rule currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes.

218.101, 218.106, 218.760, 218.762, 218.764, 218.766, 218.768, 218.770, 218.920, 218.940, 218.960, 218.980, 218.Ap.E at 18 Ill. Reg. 9242 (June 24, 1994).

218.119, 218.120, 218.121, 218.125, 218.127, 218.128, 218.520, 218.522, 218.523, 218.524, 218.Ap.C at 18 Ill. Reg. 10549 (July 8, 1994).

- 15) Summary and Purpose of Rule:

The rule addresses vapor controls for the vent pipes of gasoline storage tanks called pressure/vacuum relief valves. The definition of the term "pressure/vacuum relief valve" is added at Part 211 as described in a separate notice pertaining to that Part. The amendments to this Part 218 require the installation of pressure/vacuum relief valves on gasoline storage tanks as specified in the proposed amendments, below. This control measure is part of the State of Illinois' required submittal for its "15% rate of progress plan" (ROP) which the state submitted to USEPA in November 1993 and is required to adopt all measures listed. The Clean Air Act as amended in 1990 requires all moderate and severe ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago and Metro-East St. Louis areas are classified as severe and moderate nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement.

A description is also contained in the Board's September 15, 1994 Opinion and Order which is available from the Clerk of the Board at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601 or by telephoning 312/814-3620. Please refer to docket R94-12.

- 16) Information and questions regarding this adopted rule shall be directed to:

Michelle C. Dresdow  
Illinois Pollution Control Board  
P.O. Box 505  
DeKalb, IL 60115  
(815) 753-0947

Please refer to Docket R94-12.

The full text of the Adopted Rule begins on the next page:



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218.111	Incorporations by Reference	218.302	Alternative Standard
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218.113	Compliance with Permit Conditions	218.304	Operations with Compliance Program
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218.126		Section	
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218.142	Vapor Blowdown	218.424	Repairing Leaks
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218.430 Compliance Date (Repealed)

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218.441 Petroleum Refinery Waste Gas Disposal  
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## SUBPART T: PHARMACEUTICAL MANUFACTURING

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218.480 Applicability  
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers  
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters  
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218.484 In-Process Tanks  
218.485 Leaks  
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- 218.521 Definitions (Repealed)  
218.525 Emission Limitations for Air Oxidation Processes  
218.526 Testing and Monitoring  
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218.581 Bulk Gasoline Plants  
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218.583 Gasoline Dispensing Operations - Storage Tank Filling Operations  
218.584 Gasoline Delivery Vessels  
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218.601 Perchloroethylene Dry Cleaners  
218.602 Applicability  
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218.607 Standards for Petroleum Solvent Dry Cleaners  
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218.611 Applicability for Petroleum Solvent Dry Cleaners  
218.612 Compliance Dates (Repealed)  
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## SUBPART AA: PAINT AND INK MANUFACTURING

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218.620 Applicability  
218.621 Exemption for Waterbase Material and Heatset Offset Ink



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218.623 Permit Conditions (Repealed)  
 218.624 Open-Top Mills, Tanks, Vats or Vessels  
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 218.877 Emissions Limitation at Polystyrene Plants (Renumbered)  
 218.879 Compliance Date (Repealed)  
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## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

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APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing  
 APPENDIX B VOM Measurement Techniques for Capture Efficiency  
 APPENDIX C Reference Test Methods For Air Oxidation Processes  
 APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.5) (see P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at



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18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

**Section 218.112 Incorporations by Reference**

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

- a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

- 1) ASTM D2879-86
- 2) ASTM D323-82
- 3) ASTM D86-82
- 4) ASTM D-369-69 (1971)
- 5) ASTM D-396-69
- 6) ASTM D2880-71
- 7) ASTM D-975-68
- 8) ASTM D3925-81 (1985)
- 9) ASTM E300-86
- 10) ASTM D1475-85
- 11) ASTM D2369-87
- 12) ASTM D3792-86
- 13) ASTM D4017-81 (1987)
- 14) ASTM D4457-85
- 15) ASTM D2697-86
- 16) ASTM D3980-87
- 17) ASTM E180-85
- 18) ASTM D2372-85
- 19) ASTM D97-66
- 20) ASTM E-168-67 (1977)
- 21) ASTM E-169-87
- 22) ASTM E-260-91
- 23) ASTM D2504-83
- 24) ASTM D2382-83
- 25) ASTM D323-82 (approved 1982)

- b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

- c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.

- d) 40 CFR Part 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).

- e) 40 CFR Part 61 (July 1, 1991).

- f) 40 CFR Part 50 (July 1, 1991).

- g) 40 CFR Part 51 (July 1, 1991).

- h) 40 CFR Part 52 (July 1, 1991).

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- i) 40 CFR Part 80 (July 1, 1991) and 40 CFR Part 80 Appendixes D, E, and F (July 1, 1993).
- j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.
- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/-78-051.
- p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
- r) "Portable Instrument User's Manual for Monitoring VOC Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
- t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
- u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
- v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
- w) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
- x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. March-1991 November 1993) (CARB Manual).
- y) South Coast Air Quality Management District (SCAQMD), Applied Science



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& Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions.

- z) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins.

(Source: Amended at 18 Ill. Reg. 14973, effective September 1, 1994)

### Section 218.583 Gasoline Dispensing Facilities Operations - Storage Tank Filling Operations

a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing operation unless:

- 1) The tank is equipped with a submerged loading pipe; and
- 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:

A) A vapor collection system that meets the requirements of subsection (d)(4) below; or

B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and

C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 218.584(b) or (d) of this Part; and

- 3) By March 15, 1995, all tank vent pipes are equipped with pressure/vacuum relief valves with the following design specifications:

A) The pressure/vacuum relief valve shall be set to resist a pressure of at least 3.5 inches water column and to resist a vacuum of no less than 6.0 inches water column; or

B) The pressure/vacuum relief valve shall meet the requirements of Section 218.586(c) of this Part; and

- 4) The owner or operator of a gasoline dispensing operation demonstrates compliance with subsection (a)(3) above, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, by measuring and recording the pressure indicated by a pressure/vacuum gauge at each tank vent pipe. The test shall be performed on each tank vent pipe within two hours after product delivery into the respective storage tank. For manifold tank vent systems, observations at any point within the system shall be adequate. The owner or operator shall maintain any records required by this subsection for a period of three years.

- b) The requirements of subsections (a)(2) and (a)(3) above

shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing operation if:

- 1) The tank is equipped with a floating roof, or other system of equal or better emission control approved by the Agency and approved by the USEPA as a SIP revision;

2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or

3) The tank has a capacity of less than 575 gallons.

- c) Subject to subsection (b) above, each owner of a gasoline dispensing operation shall:

1) Install all control systems and make all process modifications required by subsection (a) above;

2) Provide instructions to the operator of the gasoline dispensing operation describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and

3) Repair, replace or modify any worn out or malfunctioning component or element of design.

- d) Subject to subsection (b) above, each operator of a gasoline dispensing operation shall:

1) Maintain and operate each vapor control system in accordance with the owner's instructions;

2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;

3) Maintain gauges, meters or other specified testing devices in proper working order;

4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:

A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B incorporated by reference in Section 218.112 of this Part; and

B) Avoidable leaks of liquid during the filling of storage tanks; and

5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A).

- e) Any retail gasoline dispensing operation subject to subsection (a) above, unless subject to Section 218.586 of this Part, shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143, and 201.144 provided that:

1) The owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides at a minimum the operation name and address, signature of the owner or operator, the location (including contact person's name, address and telephone number) of records and reports required by this Section, the number of underground tanks, the number of tank pipe



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vents, and the date of completion of installation of the vapor control system and pressure/vacuum relief valve.

- 2) The registration is submitted to the Agency by March 15, 1995 or 30 days after installation of a vapor control system or pressure/vacuum relief valve, whichever is later.

- 3) The registration certification is displayed at the gasoline dispensing operation.

- 4) Upon modification of an existing vapor control system or pressure/vacuum relief valve, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days after completion of such modification.

(Source: ~~September 1994~~ at 18 Ill. Reg. **14973**, effective ~~September 1994~~)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards And Limitations for the Metro East Area
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers: Adopted Action:  
       219.112 Amendment  
       219.583 Amendment  
       219.585 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 28.5 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.5) [415 ILCS 5/10 and 28.5 (1992)].

- 5) Effective Date of Rule: September 21, 1994

- 6) Does this rulemaking contain an automatic repeal date?: No

- 7) Does this Rule contain incorporations by reference? Yes

- 8) Date filed in Board's Principal Office: September 15, 1994

- 9) Notice of Proposal Published in Illinois Register:

May 20, 1994, 18 Ill. Reg. 7618

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

- 1) The Board corrected the citations in the authority note.

- 2) The Board changed the "2" to a "3" in "1992" in 219.112(i).

- 3) The Board corrected the inconsistency in the table of contents and text in the title of Section 219.583.

- 4) The Board added the word "and" to 219.583(a)(2)(C) and (a)(3)(B).

- 5) The Board changed "shall be" to "are" in 219.583(a)(3).

- 6) The Board changed the order of the wording of 219.583(4) to read in part: "The owner or operator of a gasoline dispensing operation demonstrates compliance with subsection (a)(3) of this Section, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, by measuring and recording the pressure indicated..." The Board further changed the "of" to "after" before "product delivery", in



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this subsection and in subsection (e)(4).

- 7) The Board deleted "in effect July 1, 1992," from 219.585(e).
- 8) The Board deleted "For gasoline-oxygenate blends which contain water-extractable oxygenates, the Reid vapor pressure shall be measured using the dry method test." from 219.585(e).
- 9) At Section 219.585(h)(2) the Board added the word "control" between "regulatory" and "period".
- 10) The Board added the word "Part" before "80" at 219.112(i) and 219.585(d) and (f).

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?  
No agreement letter was issued. JCAR's verbal recommendations have been incorporated into the text.

13) Will this Rule replace an emergency Rule currently in effect? No

14) Are there any other amendments pending on this Part? Yes.

219.101, 219.106, 219.760, 219.762, 219.764, 219.766, 219.768, 219.770, 219.920, 219.940, 219.960, 219.980, 219.Ap.E at 18 Ill. Reg. 9272 (June 24, 1994)

219.119, 219.120, 219.121, 219.125, 219.127, 219.128, 219.129, 219.520, 219.522, 219.523, 219.524, 219.Ap.C at 18 Ill. Reg. 10584 (July 8, 1994)

## 15) Summary and Purpose of Rule:

The amendment requires the installation of pressure/vacuum relief valves on gasoline storage tanks and the lowering of the Reid Vapor Pressure (RVP) of gasoline in the Metro East St. Louis Area for ozone, as specified in the amendments, below. These control measures are part of the State of Illinois' required submittal for its "15% rate of progress plan" (ROP) which the state submitted to USEPA in November 1993 and is required to adopt all measures listed. The Clean Air Act as amended in 1990 requires all moderate and severe ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago and Metro-East St. Louis areas are classified as severe and moderate nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement.

A description is also contained in the Board's September 15, 1994 Opinion and Order which is available from the Clerk of the Board at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601 or by telephoning 312/814-3620. Please refer to docket R94-12.

## POLLUTION CONTROL BOARD

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16) Information and questions regarding this adopted rule shall be directed to:

Michelle C. Dresdow  
Illinois Pollution Control Board  
P.O. Box 505  
DeKalb, IL 60115  
(815) 753-0947

Please refer to Docket R94-12.

The full text of the Adopted Rule begins on the next page:







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219.429 Standards for Control Devices  
219.430 Compliance Date (Repealed)

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ASPHALT MATERIALS

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219.441 Petroleum Refinery Waste Gas Disposal  
219.442 Vacuum Producing Systems  
219.443 Wastewater (Oil/Water) Separator  
219.444 Process Unit Turnarounds  
219.445 Leaks: General Requirements  
219.446 Monitoring Program Plan for Leaks  
219.447 Monitoring Program for Leaks  
219.448 Recordkeeping for Leaks  
219.449 Reporting for Leaks  
219.450 Alternative Program for Leaks  
219.451 Sealing Device Requirements  
219.452 Compliance Schedule for Leaks  
219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section  
219.461 Manufacture of Pneumatic Rubber Tires  
219.462 Green Tire Spraying Operations  
219.463 Alternative Emission Reduction Systems  
219.464 Emission Testing  
219.465 Compliance Dates (Repealed)  
219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section  
219.480 Applicability  
219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers  
219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters  
219.483 Material Storage and Transfer  
219.484 In-Process Tanks  
219.485 Leaks  
219.486 Other Emission Units  
219.487 Testing  
219.488 Monitoring for Air Pollution Control Equipment  
219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

Section  
219.521 Definitions (Repealed)  
219.525 Emission Limitations for Air Oxidation Processes  
219.526 Testing and Monitoring  
219.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

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219.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section  
219.561 Architectural Coatings  
219.562 Paving Operations  
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

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219.581 Bulk Gasoline Plants  
219.582 Bulk Gasoline Terminals  
219.583 Gasoline Dispensing Facilities Operations - Storage Tank Filling Operations  
219.584 Gasoline Delivery Vessels  
219.585 Gasoline Volatility Standards  
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

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219.601 Perchloroethylene Dry Cleaners  
219.602 Exemptions  
219.603 Leaks  
219.604 Compliance Dates (Repealed)  
219.605 Compliance Plan (Repealed)  
219.606 Exception to Compliance Plan (Repealed)  
219.607 Standards for Petroleum Solvent Dry Cleaners  
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219.609 Program for Inspection and Repair of Leaks  
219.610 Testing and Monitoring  
219.611 Exemption for Petroleum Solvent Dry Cleaners  
219.612 Compliance Dates (Repealed)  
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING



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 219.621 Exemption for Waterbase Material and Heatset- Offset Ink  
 219.623 Permit Conditions  
 219.624 Open-Top Mills, Tanks, Vats or Vessels  
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 219.877 Emissions Limitation at Polystyrene Plants (Renumbered)  
 219.879 Compliance Date (Repealed)  
 219.881 Compliance Plan (Repealed)  
 219.883 Special Requirements for Compliance Plan (Repealed)  
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 219.960 Applicability  
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219.967 Compliance Schedule  
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## SUBPART TT: OTHER EMISSION UNITS

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## SUBPART UU: RECORDKEEPING AND REPORTING

Section  
 219.990 Exempt Emission Units  
 219.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing  
 APPENDIX B VOM Measurement Techniques for Capture Efficiency  
 APPENDIX C Reference Test Methods For Air Oxidation Processes  
 APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.5) (see P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1993; amended in R94-12 at 18 Ill. Reg. 14987, effective SEP 21 1994.

NOTE: In this Part superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

## Section 219.112 Incorporations by Reference

The following materials are incorporated by reference, and do not contain any subsequent additions or amendments:

- a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:



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- 1) ASTM D2879-86
  - 2) ASTM D323-82
  - 3) ASTM D86-82
  - 4) ASTM D-369-69 (1971)
  - 5) ASTM D-396-69
  - 6) ASTM D2880-71
  - 7) ASTM D-975-68
  - 8) ASTM D-3925-81 (1985)
  - 9) ASTM E-300-86
  - 10) ASTM D-1475-85
  - 11) ASTM D2369-87
  - 12) ASTM D3792-86
  - 13) ASTM D4017-81 (1987)
  - 14) ASTM D4457-85
  - 15) ASTM D2697-86
  - 16) ASTM D3980-87
  - 17) ASTM E180-85
  - 18) ASTM D2372-85
  - 19) ASTM D97-66
  - 20) ASTM E-168-87 (1977)
  - 21) ASTM E-169-87
  - 22) ASTM E-260-91
  - 23) ASTM D2504-83
  - 24) ASTM D2382-83
  - 25) ASTM D323-82 (approved 1982)
- b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.
- c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.
- d) 40 CFR Part 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).
- e) 40 CFR Part 61 (July 1, 1991).
- f) 40 CFR Part 50 (July 1, 1991).
- g) 40 CFR Part 51 (July 1, 1991).
- h) 40 CFR Part 52 (July 1, 1991).
- i) 40 CFR Part 80 (July 1, 1991) and 40 CFR Part 80 Appendices D, E, and F (July 1, 1993).
- j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.
- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C.,

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- EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.
- p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course S1417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
- r) "Portable Instrument User's Manual for Monitoring VOM Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
- t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
- u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
- v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
- w) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
- x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. March-1991 November 1993) (CARB Manual).

(Source: Amended at 18 Ill. Reg. 14987, effective SEP 1 1994)

### Section 219.583 Gasoline Dispensing Facilities Operations - Storage Tank Filling Operations

- a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing operation unless:
- 1) The tank is equipped with a submerged loading pipe; and
  - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:



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- A) A vapor collection system that meets the requirements of subsection (d)(4) below; or
- B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and
- C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 219.584(b) or (d) of this Part; and
- 3) By March 15, 1995, all tank vent pipes are equipped with pressure/vacuum relief valves with the following design specifications:
- A) The pressure/vacuum relief valve shall be set to resist a pressure of at least 3.5 inches water column and to resist a vacuum of no less than 6.0 inches water column; or
- B) The pressure/vacuum relief valve shall meet the requirements of 35 Ill. Adm. Code 218.586(c); and
- 4) The owner or operator of a gasoline dispensing operation demonstrates compliance with subsection (a)(3) above, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, by measuring and recording the pressure indicated by a pressure/vacuum gauge at each tank vent pipe. The test shall be performed on each tank vent pipe within two hours after product delivery into the respective storage tank. For manifolded tank vent systems, observations at any point within the system shall be adequate. The owner or operator shall maintain any records required by this subsection for a period of three years.
- b) The requirements of subsections (a)(2) and (a)(3) above shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing operation if:
- 1) The tank is equipped with a floating roof, or other system of equal or better emission control as approved by the Agency and approved by the USEPA as a SIP revision;
- 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
- 3) The tank has a capacity of less than 575 gallons.
- c) Subject to subsection (b) above, each owner of a gasoline dispensing operation shall:
- 1) Install all control systems and make all process modifications required by subsection (a) above;
- 2) Provide instructions to the operator of the gasoline dispensing operation describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
- 3) Repair, replace or modify any worn out or malfunctioning component or element of design.

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- d) Subject to subsection (b) above, each operator of a gasoline dispensing operation shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
- 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
- 3) Maintain gauges, meters or other specified testing devices in proper working order;
- 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
- A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B incorporated by reference at Section 219.112 of this Part, and
- B) Avoidable leaks of liquid during the filling of storage tanks; and
- 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A) above.
- e) Any retail gasoline dispensing operation subject to subsection (a) above shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143, and 201.144 provided that:
- 1) The owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides, at a minimum, the operation name and address, signature of the owner or operator, the location (including contact person's name, address and telephone number) of records and reports required by this Section, the number of underground tanks, the number tank pipe vents, and the date of completion of installation of the vapor control system and pressure/vacuum relief valve.
- 2) The registration is submitted to the Agency by March 15, 1995 or 30 days after installation of a vapor control system or pressure/vacuum relief valve, whichever is later.
- 3) The registration certificate is displayed at the gasoline dispensing operation.
- 4) Upon modification of an existing vapor control system or pressure/vacuum relief valve, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days after completion of such modification.

(Source: SEP 21 1994 at 18 Ill. Reg. 14987, effective SEP 21 1994)



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- a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) ~~of this Section~~ below during the regulatory control periods, which shall be May June 1 to September 15 for retail outlets and wholesale purchaser-consumer facilities, and from May 1 to September 15 for all other facilities.
- b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9.0 7.2 psi (62.07 49.68 kPa) during the regulatory control period in 1990 1995 and each year thereafter.
- c) The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.
- d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted ~~by one or more of the following approved methods or in accordance with the procedures contained in 40 CFR Part 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 215.112 of this Part.~~
- ~~1) For manual sampling, ASTM-D4057;~~
- ~~2) For automatic sampling, ASTM-D4177;~~
- 3) ~~Sampling Procedures for Fuel Volatility, 40-CFR-80-Appendix-D.~~
- e) The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" ~~either--test method--ASTM-D323--or--a--modification-of-ASTM-D323-known-as-the--dry method--~~ as set forth in 40 CFR 80, Appendix E, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part. ~~For gasoline--oxygenate--blends--which--contain--water--extractable oxygenates--the--Reid--vapor--pressure--shall--be--measured--using--the--dry method--test--~~
- f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR Part 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.
- g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test

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- methods or procedures, the Agency shall approve the proposed alternative.
- h) Recordkeeping and reporting:
- 1) Each refiner or supplier that distributes gasoline or ethanol blends shall:
- ~~1A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.~~
- ~~2B) Maintain records for a period of one three year years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.~~
- 2) Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory control period, the owner or operator of a gasoline dispensing operation subject to this Section shall:
- A) Retain a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above;
- B) Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.
- (Source: Amended at 18 Ill. Reg. 149 87, effective SEP 2 1 1994 )



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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers:  
Adopted Action:  
201.302 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10, 27 and 39 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, and 1039) [415 ILCS 5/10, 27, and 39 (1992)].
- 5) Effective Date of Rule: September 21, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain incorporations by reference? No
- 8) Date filed in Board's Principal Office: September 15, 1994
- 9) Notice of Proposal Published in Illinois Register:  
May 20, 1994, 18 Ill. Reg. 7636

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

- 1) Table of Contents: the Board deleted "Subpart G (reserved)".
- 2) Table of Contents: The Board corrected the page number for the December 7, 1993 entry from "21485" to "21483".
- 3) For 201.302(a): The Board underlined the word "this". The Board underlined "Section," before the word "shall".
- 4) For 210.302(d): The Board changed "35 Ill. Adm. Code Part 201" to "this Part".
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?  
No agreement letter was issued. JCAR's verbal recommendations have been incorporated into the text.
- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.

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- 201.101, 201.166, 201.167, 201.168, 201.207, 201.208, 201.209, 201.210, 201.211, 201.212, at 18 Ill. Reg. 8347 (June 3, 1994)
- 15) Summary and Purpose of Rule:  
The rule amends current reporting requirements so that the filing of an annual emissions report by gasoline station operators is no longer required. The information gathered from such a report is available to the Illinois Environmental Protection Agency from other sources.  
A description is also contained in the Board's September 15, 1994 Opinion and Order which is available from the Clerk of the Board at 100 West Randolph Street, Suite 11-500, Chicago, IL 60601 or by telephoning 312/814-3620.
- 16) Information and questions regarding this adopted rule shall be directed to:  
Michelle C. Dresdow  
Illinois Pollution Control Board  
P.O. Box 505  
DeKalb, IL 60115  
(815) 753-0947

Please refer to Docket R94-12.

The full text of the Adopted Rule begins on the next page:



## POLLUTION CONTROL BOARD

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

## PART 201

## PERMITS AND GENERAL PROVISIONS

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201.101 Other Definitions

201.102 Definitions

201.103 Abbreviations and Units

201.104 Incorporations by Reference

## SUBPART B: GENERAL PROVISIONS

## Section

201.121 Existence of Permit No Defense

201.122 Proof of Emissions

201.123 Burden of Persuasion Regarding Exceptions

201.124 Annual Report

201.125 Severability

201.126 Repealer

## SUBPART C: PROHIBITIONS

## Section

201.141 Prohibition of Air Pollution

201.142 Construction Permit Required

201.143 Operating Permits for New Sources

201.144 Operating Permits for Existing Sources

201.146 Exceptions from Permit Requirement

201.147 Former Permits

201.148 Operation Without Compliance Program and Project Completion Schedule

201.149 Operation During Malfunction, Breakdown or Startups

201.150 Circumvention

201.151 Design of Effluent Exhaust Systems

## SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

## Section

201.152 Contents of Application for Construction Permit

201.153 Incomplete Applications

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201.158 Incomplete Applications

201.159 Signatures

201.160 Standards for Issuance

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201.162 Duration

201.163 Joint Construction and Operating Permits

201.164 Design Criteria

201.165 Hearings

## SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

## Section

201.180 Applicability

201.181 Expiration and Renewal

201.187 Requirement for a Revised Permit

## SUBPART F: RENEWAL, REVOCATION, REVISION AND APPEAL

## Section

201.207 Revocation

201.209 Revisions to Permits

201.210 Appeals from Conditions

## SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

## Section

201.241 Contents of Compliance Program

201.242 Contents of Project Completion Schedule

201.243 Standards for Approval

201.244 Revisions

201.245 Effects of Approval

201.246 Records and Reports

201.247 Submission and Approval Dates

## SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

## Section

201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup

201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup

201.263 Records and Reports

201.264 Continued Operation or Startup Prior to Granting of Operating Permit

201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

## SUBPART J: MONITORING AND TESTING



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Section  
201.281 Permit Monitoring Equipment Requirements  
201.282 Testing  
201.283 Records and Reports

## SUBPART K: RECORDS AND REPORTS

Section  
201.301 Records  
201.302 Reports

## SUBPART L: CONTINUOUS MONITORING

Section  
201.401 Continuous Monitoring Requirements  
201.402 Alternative Monitoring  
201.403 Exempt Sources  
201.404 Monitoring System Malfunction  
201.405 Excess Emission Reporting  
201.406 Data Reduction  
201.407 Retention of Information  
201.408 Compliance Schedules

APPENDIX A Rule into Section Table  
APPENDIX B Section into Rule Table  
APPENDIX C Past Compliance Dates

**AUTHORITY:** Implementing Sections 10 and 39 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, and 1039) [415 ILCS 5/10, 27, and 39].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17699, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 1, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective SEP 21 1994.

## Section 201.302 Reports

- a) The owner or operator of any emission **source** unit or air pollution control equipment, unless specifically exempted in this Section, shall submit to the Agency as a minimum, annual reports detailing the nature, specific **sources** emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the

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- Agency may require more frequent reports where necessary to accomplish the purposes of the Act and this Chapter.
- b) The Agency may adopt procedures which require that additional reports be submitted, and which set forth the format in which all reports shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the APA Act.
- c) ~~All emissions data received by the Agency relative to specified air contaminants shall be correlated by the Agency with any emission limitations or standards set forth in Subchapter C of this Chapter.~~
- dc) All emission data received by the Agency, shall be available for public inspection at reasonable times and upon reasonable notice.
- d) Retail gasoline dispensing operations are exempt from the requirements of subsection (a) above unless the source has failed to comply with 35 Ill. Adm. Code 218.586(h) or to obtain a permit under this Part if applicable.

(Source: Amended at 18 Ill. Reg. 15002, effective SEP 21 1994 )



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1) Heading of the Part: Petroleum Underground Storage Tanks

2) Code Citation: 35 Ill. Adm. Code 732

3) Section Number: Adopted Action:

732.100 new section  
 732.101 new section  
 732.102 new section  
 732.103 new section  
 732.104 new section  
 732.105 new section  
 732.200 new section  
 732.201 new section  
 732.202 new section  
 732.203 new section  
 732.204 new section  
 732.300 new section  
 732.301 new section  
 732.302 new section  
 732.303 new section  
 732.304 new section  
 732.305 new section  
 732.306 new section  
 732.307 new section  
 732.308 new section  
 732.309 new section  
 732.310 new section  
 732.311 new section  
 732.400 new section  
 732.401 new section  
 732.402 new section  
 732.403 new section  
 732.404 new section  
 732.405 new section  
 732.406 new section  
 732.407 new section  
 732.408 new section  
 732.409 new section  
 732.410 new section  
 732.500 new section  
 732.501 new section  
 732.502 new section  
 732.503 new section  
 732.504 new section  
 732.505 new section  
 732.600 new section  
 732.601 new section  
 732.602 new section

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732.603 new section  
 732.604 new section  
 732.605 new section  
 732.606 new section  
 732.607 new section  
 732.608 new section  
 732.609 new section  
 732.610 new section  
 732.611 new section  
 732.612 new section  
 732.Appendix A new section  
 732.Appendix B new section  
 Table A new section  
 Table B new section  
 Table C new section  
 Table D new section  
 Illustration A new section  
 Illustration B new section  
 Illustration C new section  
 Illustration D new section

4) Statutory Authority: 415 ILCS 5/57.14(b).

5) Effective Date of Rule(s): September 23, 1994.

6) Does this rulemaking contain an automatic repeal date?: No.

7) Does this rule contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: September 15, 1994.

9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 5403 (April 8, 1994).

10) Has JCAR issued a Statement of Objections to these Rules? If answer is "yes," please complete the following: No.

11) Differences between proposal and final version:

Based on public comments, hearing and the record developed in this proceeding, the adopted rules contain extensive substantive and editorial amendments from the proposal as it appeared at first notice. The changes were made as a result of "Errata" changes made by the Illinois Environmental Protection Agency to correct and clarify its original proposal, changes recommended by the Joint Committee on Administrative Rules to both clarify and make the rules internally consistent, changes made by the Board in response to public comment throughout the proceeding, and the most significant change from first notice, the Board's adoption of a risk-based methodology for calculating soil clean-up objectives. There



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are also many nonsubstantive changes recommended by JCAR, such as capitalization, grammar, and punctuation which are included in the rule. All substantive changes are shown below section-by-section:

Table of Contents: The table of contents was amended to reflect new titles consistent with rule changes. 732.311, Groundwater Quality Standards for Indicator Contaminants" changed to "Indicator Contaminant Groundwater Objectives." 732.408, "Corrective Action Remediation Objectives" was changed to "Risk Based Remediation Objectives." 732.Appendix B, "Groundwater Remediation Objectives and Acceptable Detection Limits (ADL) and Soil Remediation Methodology" was change to "Groundwater and Soil Remediation Objectives; Acceptable Detection Limits (ADL) and Soil Remediation Methodology." The table was also amended to include, "Table A Groundwater and Soil Remediation Objectives, Table B Soil Remediation Methodology: Model Parameter Values, Table C Soil Remediation Methodology: Chemical Specific Parameters, Table C, Soil Remediation Methodology: Objectives, Illustration A Equation For Groundwater Transport, Illustration B Equation For Soil-Groundwater Relationship, Illustration C Equation For Calculating Groundwater Objectives at the Source, Illustration D Equation For Calculating Soil Objectives at the Source."

Section 732.100: This section was amended to clarify there are exceptions to the applicability of the LUST rules for certain owners and operators of underground storage tanks (UST) consistent with Title XVI of the Environmental Protection Act (Act). It was also amended to specify that the effective date of the rules is September 23, 1994.

Section 732.103: This section was amended to add definitions, "full accounting" "line item estimate" and "natural pathway," and a Board Note has been added to indicate that a person who voluntarily pulls a UST will not be deemed an "operator." The definition of "physical soil classification" has also been amended to make the definition consistent with other portions of the rule.

Section 732.204: This section was amended to reflect the Agency' use of "line item estimates" rather than "line item accountings."

Section 732.300(b) and (c): These section was amended at the suggestion of the Agency to clarify its intent.

Section 732.302: This section was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

Section 732.303: This section was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

Section 732.304: This section was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

Section 732.305: This section was amended to reflect the Agency' use of "line item estimates" rather than "line item accountings." A Board Note was also added to this section to clarify and advise that owners or operators may not be entitled to full reimbursement for proceeding under subsection (d) of this section.

Section 732.306: This section was amended to reflect that owners or operators must conduct investigation of migratory pathways prior to being eligible for deferment until UST Fund resources become available. This section was also amended to add a 60-day requirement that owners or operators provide the results of that investigation to the Agency. Subsection 732.306(a)(2) was amended to clarify that the Agency must determine when an "amount equal to the total of the" approved budget is available from the UST Fund so that owner or operator can receive reimbursement, or begin work. This section was also amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

Section 732.307: This section was amended to clarify that an owner or operator must perform all five criteria of site classification. The section was also amended to clarify what is meant by "reasonable" regarding the spacing of sample borings and what is meant by "continuous" sampling. This section was amended to allow for various methods of soil classification and provide guidance for method-selection. Subsection 732.307(g) was amended to allow for a Licensed Professional Engineer's judgment to be presumed correct when certifying to the existence of pathways.

Section 732.308: This section was amended to make it consistent with other substantive changes in the rule. It changes "sampling distance" to "sampling number."

Section 732.310: This section was amended to delete the Agency's authority to determine indicator contaminants on a site-by-site basis. It was also amended to reflect the Board's adoption of an ASTM-derived, risk-based methodology for the calculation of default soil objectives.

Section 732.311: This section was amended to reflect the Board's adoption of an ASTM-derived, risk-based methodology for the calculation of default soil objectives, and to allow the Agency to determine groundwater objectives for indicator contaminants which are mixtures and degradation products.

Section 732.400: This section was amended to allow owners or operators that have "No Further Action" sites to conduct remediation pursuant to the remediation objectives. It eliminates the concept of full remediation. A Board Note was added to this section to clarify that an owner or operator may not receive full reimbursement for proceeding under subsections (b) or (c) of this section.



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Section 732.403: This section was amended to reflect the Agency's use of "line item estimates" rather than "line item accountings." This section was also amended to clarify that Agency reclassification decisions are appealable to the Board within 35 days.

Section 732.404: Subsection (a) of this section was amended to clarify that the purpose of a corrective action plan is to eliminate the requirement that a site be remediated to eliminate the characteristics of a site which cause it to be "High Priority." Subsection (b)(1) was amended to allow for an owner or operator to provide proof that an adjoining property owner would not allow him on site to determine whether there is off-site contamination or, to show that the adjoining property owner could not be located, to satisfy the section. Subsection (b)(3) was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change. Subsection (c) was amended to require the owner or operator to comply with the requirements of 432.408 if soil or groundwater remediation is chosen to satisfy this section. Subsection (e) was also amended to reflect the Agency's use of "line item estimates" rather than "line item accountings."

Section 732.405: This section was amended to reflect the Agency's use of "line item estimates" rather than "line item accountings." A Board Note was added to this section to clarify that an owner or operator may not receive full reimbursement for proceeding under subsections (d) of this section.

Section 732.406: This section was amended to clarify that the Agency must determine when an "amount equal to the total of the" approved budget is available from the UST Fund so that owner or operator can received reimbursement, or begin work. This section was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

Section 732.407: This section was amended to allow the Agency to require interim reports during groundwater monitoring.

Section 732.408: This section was amended for clarification and to provide for risk-based site assessment and reflect the Board's adoption of an ASTM-derived, risk-based methodology for the calculation of default soil objectives. This section has also been amended to reflect that the default objective approach and the use of the groundwater objectives are merely interim measures until the Board can more fully develop a record for adoption of a specific approach in a separate subdoCKET. The section was amended to include a Board Note that clarifies the default objectives are only for use at LUST sites.

Section 732.409: This section was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

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Section 732.410: This section was amended to provide that the Agency's denial of a "No Further Remediation Letter" is appealable within 35 days to the Pollution Control Board.

Section 732.500: The heading of this section was amended from "Plan and Report Selection and Review Procedures" to "Selection and Review Procedures for Plans and Reports."

Section 732.502: This section was amended to require the Agency to review a plan for "completeness." It was also amended to clarify the Agency's decision on "completeness" can be appealed to the Board within 35 days. Subsection (b)(3) was amended to indicate that the Agency's receipt of a complete plan or report, after a notice of "incompleteness" shall restart all time limits for Agency final action on a plan or report.

Section 732.503: This section was amended to clarify that the Agency's decision requiring modification of a plan can be appealed to the Board within 35 days. Subsection (f) was amended to require the Agency to notify an owner or operator within 60 days of whether a plan was selected for full review.

Section 732.505: This section was amended to delete a reference to "may otherwise cause property damage" to reflect a legislative change.

Section 732.602: This section was amended to clarify that the Agency's decision regarding its review of an application for payment from the UST Fund can be appealed to the Board within 35 days. It was also amended to clarify that the Agency can review an application if it has reason to believe it is fraudulent. Subsection (c) was amended to clarify that the Agency may require a full accounting to support an application for payment.

Section 732.604: This section was amended for consistency with other portions of the rule.

Section 732.605: Subsection (a)(14) of this section was amended to clarify that the costs incurred as a result of a release because of vandalism, theft or fraudulent activity of other than the agent of an owner or operator are not eligible.

Section 732.606: This section was amended to clarify the type of remediation required in order to be consistent with the minimum requirements of the rule. Subsection (c) of this section was amended to clarify that the costs incurred as a result of a release because of vandalism, theft or fraudulent activity of other than the agent of an owner or operator are not eligible.

Section 732.608: This section was amended to show that apportionment of costs may occur for eligible and ineligible tanks.



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Section 732.610: This section was amended to clarify the citation.

Section 732.612: This section was amended to clarify the citation to Section 10.5 of the State Comptroller Act.

Appendix A: This appendix was amended to delete BETX and replace it with the specific indicator contaminants. It was also amended for consistency and to change the word "waste" to "used" oil.

Appendix B: This appendix was amended to delete all the soil clean up objectives except those for metals and PCBs. It was also amended by adding four tables and four illustrations which represent the Board's final adoption of an ASTM-derived, risk-based methodology for the calculation of default soil objectives. Table 4 included a chart of six objectives resulting from application of the methodology and the illustrations explain the methodology. Illustration A was amended to clarify the information source of the risk-based methodology used by the Board.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules:

Section 57.14(b) of the Environmental Protection Act directs the Illinois Pollution Control Board to adopt within six months of receipt from the Illinois Environmental Protection Agency, regulations prescribing procedures and standards for the Agency's administration of its duties under the new Leaking Underground Storage Tank program. Accordingly, these final rules set forth comprehensive regulations revise the method by which Illinois' LUST program is administered. These rules adopt procedures for the remediation of UST sites due to the release of petroleum and other substances; for the Agency's oversight and review of remediation required for UST systems; for the administration of the Underground Storage Tank Fund; for eligible owners and operators to seek payment for the costs of site investigation and remediation and for the review or audit and approval of corrective action efforts performed by Licensed Professional Engineers.

16) Information and questions regarding this adopted rule shall be directed to:

Musette H. Vogel  
Illinois Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, IL 62704

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(217) 524-8509

The full text of the adopted rules begin on the following page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL  
AND UNDERGROUND STORAGE TANK PROGRAMS

## PART 732

## PETROLEUM UNDERGROUND STORAGE TANKS

## SUBPART A: GENERAL

Section	
732.100	Applicability
732.101	Election to Proceed under Part 732
732.102	Severability
732.103	Definitions
732.104	Incorporations by Reference
732.105	Agency Authority to Initiate Investigative, Preventive or Corrective Action

## SUBPART B: EARLY ACTION

732.200	General
732.201	Agency Authority to Initiate
732.202	Early Action
732.203	Free Product Removal
732.204	Application for Payment

## SUBPART C: SITE EVALUATION AND CLASSIFICATION

732.300	General
732.301	Agency Authority to Initiate
732.302	"No Further Action" Sites
732.303	"Low Priority" Sites
732.304	"High Priority" Sites
732.305	Plan Submittal and Review
732.306	Deferred Site Classification; Priority List
732.307	Site Evaluation
732.308	Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells
732.309	Site Classification Completion Report
732.310	Indicator Contaminants
732.311	Indicator Contaminant Groundwater Objectives

## SUBPART D: CORRECTIVE ACTION

732.400	General
732.401	Agency Authority to Initiate
732.402	"No Further Action" Site

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732.403	"Low Priority" Site
732.404	"High Priority" Site
732.405	Plan Submittal and Review
732.406	Deferred Corrective Action; Priority List
732.407	Alternative Technologies
732.408	Risk Based Remediation Objectives
732.409	Groundwater Monitoring and Corrective Action Completion Reports
732.410	"No Further Remediation" Letter

## SUBPART E: SELECTION AND REVIEW PROCEDURES FOR PLANS AND REPORTS

732.500	General
732.501	Submittal of Plans or Reports
732.502	Completeness Review
732.503	Full Review of Plans or Reports
732.504	Selection of Plans or Reports for Full Review
732.505	Standards for Review of Plans or Reports

## SUBPART F: PAYMENT OR REIMBURSEMENT

732.600	General
732.601	Applications for Payment
732.602	Review of Applications for Payment
732.603	Authorization for Payment; Priority List
732.604	Limitations on Total Payments
732.605	Eligible Costs
732.606	Ineligible Costs
732.607	Payment for Handling Charges
732.608	Apportionment of Costs
732.609	Subrogation of Rights
732.610	Indemnification
732.611	Costs Covered by Insurance, Agreement or Court Order
732.612	Determination and Collection of Excess Payments
APPENDIX A	Indicator Contaminants
APPENDIX B	Groundwater and Soil Remediation Objectives; Acceptable Detection Limits (ADL) and Soil Remediation Methodology
TABLE A	Groundwater and Soil Remediation Objectives
TABLE B	Soil Remediation Methodology: Model Parameter Values
TABLE C	Soil Remediation Methodology: Chemical Specific Parameters
TABLE D	Soil Remediation Methodology: Objectives
ILLUSTRATION A	Equation For Groundwater Transport
ILLUSTRATION B	Equation For Soil-Groundwater Relationship
ILLUSTRATION C	Equation For Calculating Groundwater Objectives at the Source
ILLUSTRATION D	Equation For Calculating Soil Objectives at the Source

AUTHORITY: Implementing Sections 22.12 and 57 - 57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12 and 57 - 57.17] (see P.A. 88-496, effective September 13, 1993).



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SOURCE: Adopted in R94-2 at 18 Ill. Reg. **15009**, effective **SEP 23 1994**

## SUBPART A: GENERAL

**Section 732.100 Applicability**

a) This Part applies to owners or operators of any underground storage tank system used to contain petroleum and for which a release has been confirmed and required to be reported to Illinois Emergency Management Agency (IEMA) on or after September 23, 1994 in accordance with regulations adopted by the Office of State Fire Marshal (OSFM). It does not apply to owners or operators of sites for which the OSFM does not require a report to IEMA or for which the OSFM has issued or intends to issue a certificate of removal or abandonment pursuant to Section 57.5 of the Environmental Protection Act (Act) [415 ILCS 5/57.5]. Owners or operators of any underground storage tank system used to contain petroleum and for which a release was reported to IEMA on or before September 12, 1993, may elect to proceed in accordance with this Part pursuant to Section 732.101.

b) Upon the receipt of a corrective action order from the OSFM pursuant to Section 57.5(g) of the Act, the owner or operator of any underground storage tank system used to contain petroleum and taken out of operation before January 2, 1974, or any underground storage tank system used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit shall conduct corrective action in accordance with this Part.

c) Owners or operators subject to this Part by law or by election shall proceed expeditiously to comply with all requirements of the Act and the regulations and to obtain the "No Further Remediation" letter signifying final disposition of the site for purposes of this Part. The Agency may use its authority pursuant to the Act and Section 732.105 of this Part to expedite investigative, preventive or corrective action by an owner or operator or to initiate such action.

**Section 732.101 Election to Proceed under Part 732**

a) Owners or operators of any underground storage tank system used to contain petroleum and for which a release was reported to the proper State authority on or before September 12, 1993, may elect to proceed in accordance with this Part by submitting to the Agency a written statement of such election signed by the owner or operator. Corrective action shall then follow the requirements of this Part. The election shall be effective upon receipt by the Agency and shall not be withdrawn once made.

b) Except as provided in Section 732.100(b) of this Part, owners or operators of underground storage tanks (USTs) used exclusively to store heating oil for consumptive use on the premises where stored and

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which serve other than a farm or residential unit may elect to proceed in accordance with this Part by submitting to the Agency a written statement of such election signed by the owner or operator. Corrective action shall then follow the requirements of this Part. The election shall be effective upon receipt by the Agency and shall not be withdrawn once made.

c) If the owner or operator elects to proceed pursuant to this Part, corrective action costs incurred in connection with the release and prior to the notification of election shall be payable or reimbursable in the same manner as was allowable under the then existing law. Corrective action costs incurred after the notification of election shall be payable or reimbursable in accordance with Subparts E and F of this Part.

**Section 732.102 Severability**

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or of any portion not adjudged invalid.

**Section 732.103 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5].

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Alternative Technology" means a process or technique, other than conventional technology, used to perform a corrective action with respect to soils contaminated by releases of petroleum from an underground storage tank.

"Board" means the Illinois Pollution Control Board.

"Bodily Injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank. (Section 57.2 of the Act)

"Class I Groundwater" means groundwater that meets the Class I: potable resource groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act. (Section 57.2 of the Act)

"Class III Groundwater" means groundwater that meets the Class



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III: special resource groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act. (Section 57.2 of the Act)

"Confirmed Exceedence" means laboratory verification of an exceedence of the applicable groundwater quality standards or objectives.

"Confirmed Release" means a release of petroleum that has been confirmed in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 170.

"Conventional Technology" means a process or technique to perform a corrective action by removal, transportation and disposal of soils contaminated by a release of petroleum from an underground storage tank in accordance with applicable laws and regulations, but without processing to remove petroleum from the soils.

"Corrective Action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act. (Section 57.2 of the Act)

"Fill Material" means non-native or disturbed materials used to bed and backfill around an underground storage tank. (Section 57.2 of the Act)

"Free Product" means petroleum that is present as a non-aqueous phase liquid (e.g., liquid not dissolved in water).

"Full Accounting" means a compilation of documentation to establish, substantiate and justify the nature and extent of the corrective action costs incurred by an owner or operator.

"Fund" means the Underground Storage Tank Fund. (Section 57.2 of the Act)

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.64 of the Act)

"Handling Charges" means administrative, insurance, and interest costs and a reasonable profit for procurement, oversight, and payment of subcontracts and field purchases.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including navy special fuel oil and bunker c. (Section 57.2 of the Act)

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"IEMA" means the Illinois Emergency Management Agency.

"Indemnification" means indemnification of an owner or operator for the amount of judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by any agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator. (Section 57.2 of the Act)

"Licensed Professional Engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering. (Section 57.2 of the Act)

"Line Item Estimate" means an estimate of the costs associated with each line item (including, but not necessarily limited to, personnel, equipment, travel, etc.) which an owner or operator anticipates will be incurred for the development, implementation and completion of a plan or report.

"Man-made Pathway" means constructed routes that may allow for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches or previously excavated and filled areas.

"Monitoring Well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Natural Pathway" means natural routes for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Occurrence" means any release from an underground storage tank, including any additional release from that underground storage tank at the site identified in the course of performing corrective action in response to the initial release. (Section 57.2 of the Act)

"OSFM" means the Office of the State Fire Marshal.

"Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank. (42 U.S.C. Sec. 6991)

BOARD NOTE: A person who voluntarily undertakes action to remove an underground storage tank system from the ground shall not be deemed an "operator" merely by the undertaking of such action.



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**"Owner" means:**

In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use or dispensing of regulated substances;

In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such underground storage tank immediately before the discontinuation of its use. (42 U.S.C. Sec. 6991)

"Person" means, for the purposes of interpreting the definitions of the terms "owner" or "operator," an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body and shall include the United States Government and each department, agency, and instrumentality of the United States. (Derived from 42 U.S.C. Sec. 6991)

"Petroleum" means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). (42 U.S.C. Sec. 6991)

"Physical Soil Classification" means verification of geological conditions consistent with regulations for identifying and protecting potable resource groundwater or verification that subsurface strata are as generally mapped in the publication *Illinois Geological Survey Circular (1984)* entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al. Such classification may include review of soil borings, well logs, physical soil analysis, regional geologic maps, or other scientific publications. (Section 57.2 of the Act)

"Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices. (Section 3.65 of the Act)

"Property Damage" means physical injury to, destruction of, or contamination of tangible property owned by a person other than an owner or operator of the UST from which a release of petroleum has occurred and which tangible property is located off the site where the release occurred. Property damage includes all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank. (Derived from Section

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**57.2 of the Act)**

"Registration" means registration of an underground storage tank with the OSFM in accordance with Section 4 of the Gasoline Storage Act [430 ILCS 15/4].

"Regulated Recharge Area" means a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination. (Section 3.67 of the Act)

"Regulated Substance" means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. Sec. 9601(14)] (but not including any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act [42 U.S.C. Sec. 6921 et seq.]), and Petroleum. (42 U.S.C. Sec. 6991)

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils. (Section 57.2 of the Act)

"Residential Tank" means an underground storage tank located on property used primarily for dwelling purposes.

"Residential Unit" means a structure used primarily for dwelling purposes including multi-unit dwellings such as apartment buildings, condominiums, cooperatives or dormitories.

"Setback Zone" means a geographic area, designated pursuant to the Act or regulations, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwater. (Section 3.61 of the Act)

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way. (Section 57.2 of the Act)

"Surface Body of Water" or "Surface Water Body" means a natural or man-made body of water on the ground surface including, but not limited to, lakes, ponds, reservoirs, retention ponds, rivers, streams, creeks and drainage ditches. Surface body of water does not include puddles or other accumulations of precipitation, run-off or groundwater in UST excavations.

"Tank Field" means all underground storage tanks at a site that reside within a circle with a 100 foot radius.



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"Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any of the following or any pipes connected thereto:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

Septic tank;

Pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.), or which is an intrastate pipeline facility regulated under state laws as provided in either of these provisions of law, and which is determined by the Secretary of Energy to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Surface impoundment, pit, pond, or lagoon;

Storm water or waste water collection system;

Flow-through process tank;

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated on or above the surface of the floor. (Derived from 42 U.S.C. Sec. 6991)

The term "Underground Storage Tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit. (Section 57.2 of the Act)

"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

## Section 732.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:  
ASTM. American Society for Testing and Materials, 1916 Race Street,

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Philadelphia, PA 19103 (215) 299-5400

ASTM D 422-63, Standard Test Method for Particle-Size Analysis of Soils, approved November 21, 1963 (reapproved 1990).

ASTM D 1140-54, Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve, approved September 15, 1954 (reapproved 1990).

ASTM D 2216-90, Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock, approved November 30, 1990.

ASTM D 4643-87, Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method, approved February 2, 1987.

ASTM D 2487-90, Standard Test Method for Classification of Soils for Engineering Purposes, approved June 22, 1990.

ASTM D 2488-90, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved June 29, 1990.

ASTM D 5084-90, Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeater, approved June 22, 1990.

ASTM D 4525-90, Standard Test Method for Permeability of Rocks by Flowing Air, approved May 25, 1990.

ISGS. Illinois State Geological Survey, 615 E. Peabody Drive, Champaign, IL 61820-6964 (217) 333-4747

Richard C. Berg, John P. Kempton, Keros Cartwright, "Potential for Contamination of Shallow Aquifers in Illinois" (1984), Circular No. 532.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600

"Methods for Chemical Analysis of Water and Wastes," EPA Publication No. EPA-600/4-79-020 (March 1983), Doc. No. PB 84-128677.

"Methods for the Determination of Organic Compounds in Drinking Water," EPA, EMSL, EPA-600/4-88/039 (Dec. 1988), Doc. No. PB 89-220461.

"Practical Guide for Ground-Water Sampling," EPA Publication No. EPA-600/2-85/104 (September 1985), Doc. No. PB 86-137304.

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (Third Edition, 1986), as amended by Revision I (Final Update I, July 1992), Doc. No. PB 89-148076.

USGS. United States Geological Survey, 1961 Stout Street, Denver, CO 80294 (303) 844-4169

"Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," Book I, Chapter D2 (1981).

- b) CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402



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(202) 783-3238

40 CFR 261, Appendix II (1992).  
40 CFR 761.120 (1993).

- c) This Section incorporates no later editions or amendments.

### Section 732.105 Agency Authority to Initiate Investigative, Preventive or Corrective Action

- a) *The Agency has the authority to do either of the following:*

- 1) *Provide notice to the owner or operator, or both, of an underground storage tank whenever there is a release or substantial threat of a release of petroleum from such tank. Such notice shall include the identified investigation or response action and an opportunity for the owner or operator, or both, to perform the response action.*
- 2) *Undertake investigative, preventive or corrective action whenever there is a release or a substantial threat of a release of petroleum from an underground storage tank. (Section 57.12(c) of the Act)*
- b) *If notice has been provided under this Section, the Agency has the authority to require the owner or operator, or both, of an underground storage tank to undertake preventive or corrective action whenever there is a release or substantial threat of a release of petroleum from such tank. (Section 57.12(d) of the Act)*

#### SUBPART B: EARLY ACTION

### Section 732.200 General

*Owners and operators of underground storage tanks shall, in response to all confirmed releases of petroleum, comply with all applicable statutory and regulatory reporting and response requirements. (Section 57.6(a) of the Act)*  
No work plan shall be required for conducting early action activities.

### Section 732.201 Agency Authority to Initiate

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate early action activities in accordance with the remainder of this Subpart B.

### Section 732.202 Early Action

- a) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator, or both, shall perform the following initial response actions within 24 hours after the release:

- 1) Report the release to IEMA (e.g., by telephone or electronic mail);
- 2) Take immediate action to prevent any further release of the

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regulated substance to the environment; and

- 3) Identify and mitigate fire, explosion and vapor hazards.
- b) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator shall perform the following initial abatement measures:

- 1) Remove as much of the petroleum from the UST system as is necessary to prevent further release into the environment;
- 2) Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner or operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 through 815;
- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with regulations promulgated by the OSFM. In selecting sample types, sample locations, and measurement methods, the owner or operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and
- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 732.203 below.
- c) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) above and any resulting information or data. The report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- d) Owners or operators shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in subsections (a) and (b) above. This information must include, but is not limited to, the following:
  - 1) Data on the nature and estimated quantity of release;
  - 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;



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- 3) Results of the site check required at subsection (b)(5) of this Section;
- 4) Results of the free product investigations required at subsection (b)(6) of this Section, to be used by owners or operators to determine whether free product must be recovered under Section 732.203.
- e) Within 45 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit to the Agency the information collected in compliance with subsection (d) above in a manner that demonstrates its applicability and technical adequacy. The information shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- f) *Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or repair or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal. The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. (Section 57.6(b) of the Act)*  
BOARD NOTE: Section 57.7(a)(1)(B) of the Act limits payment or reimbursement from the Fund for removal of contaminated fill material during early action activities. See Subpart F of this Part.

**Section 732.203 Free Product Removal**

At sites where investigations under Section 732.202(b)(6) indicate the presence of free product, owners or operators shall remove free product to the maximum extent practicable while initiating or continuing any actions required pursuant to this Part or other applicable laws or regulations. In meeting the requirements of this Section, owners or operators shall:

- a) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, State and federal regulations;
- b) Use abatement of free product migration as a minimum objective for the design of the free product removal system;
- c) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and
- d) Within 45 days after the confirmation of a release of petroleum from a UST in accordance with regulations promulgated by the OSFM, prepare and submit to the Agency a free product removal report on forms prescribed by the Agency or in a similar format containing the same information. The report shall, at a minimum, provide the following:
  - 1) The name of the persons responsible for implementing the free product removal measures;
  - 2) The estimated quantity, type and thickness of free product

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- 3) observed or measured in wells, boreholes and excavations;
- 4) The type of free product recovery system used;
- 4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;
- 5) The type of treatment applied to, and the effluent quality expected from, any discharge;
- 6) The steps that have been or are being taken to obtain necessary permits for any discharge; and
- 7) The disposition of the recovered free product.

**Section 732.204 Application for Payment**

Owners or operators intending to seek payment or reimbursement for early action activities are not required to submit a corresponding budget plan to the Agency prior to the application for payment. The application for payment may be submitted to the Agency upon completion of the early action activities in accordance with the requirements at Subpart F of this Part. In the alternative, the owner or operator may submit line item estimates of the activities and costs as part of a site classification budget plan submitted pursuant to Section 732.305 for prior review and approval in accordance with Subpart E of this Part. If the alternative of submitting a line item estimate of the activities and costs is selected, a subsequent application for payment satisfying the requirements of Subpart F will be required before payment can be approved and such application for payment must be submitted with an application for payment for site classification activities.

**SUBPART C: SITE EVALUATION AND CLASSIFICATION****Section 732.300 General**

- a) Except as provided in subsection (b) below, the owner or operator of any site subject to this Part shall evaluate and classify the site in accordance with the requirements of this Subpart C. All such sites shall be classified as "No Further Action," "Low Priority" or "High Priority." Site classifications shall be based on the results of the site evaluation, including, but not limited to, the physical soil classification and the groundwater investigation, if applicable. Owners or operators subject to this Part 732 may proceed without conducting site classification activities pursuant to this Subpart C under the following circumstances:
  - 1) If the owner or operator chooses to conduct remediation sufficient to satisfy the remediation objectives in Section 732.408 of this Part. Upon completion of the remediation, the owner or operator shall submit a corrective action completion report demonstrating compliance with the required levels; or
  - 2) If, upon completion of early action requirements pursuant to Subpart B of this Part, the owner or operator can demonstrate compliance with the remediation objectives required in Section
- b)



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732.408 of this Part. Upon completion of the early action requirements, the owner or operator shall submit a corrective action completion report demonstrating compliance with the required levels.

BOARD NOTE: Owners or operators proceeding under subsection (b) above are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

- c) For corrective action completion reports submitted pursuant to subsection (b) above, the Agency shall issue a "No Further Remediation" letter upon approval of the report by the Agency or by operation of law in accordance with Subpart E.

**Section 732.301 Agency Authority to Initiate**

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate corrective action activities in accordance with the remainder of this Subpart C.

**Section 732.302 "No Further Action" Sites**

- a) Sites shall be classified as "No Further Action" if all of the following criteria are satisfied:

- 1) The physical soil classification procedure confirms either of the following:
  - A) "Berg Circular"
    - i) The site is located in an area designated D, E, F or G on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and
    - ii) The site's actual physical soil conditions are verified as consistent with those designated D, E, F or G on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or
  - B) The site soil characteristics satisfy the criteria of Section 732.307(d)(3) of this Part;
- 2) The UST system is not within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;
- 3) After completing early action measures in accordance with Subpart B of this Part, there is no evidence that, through natural pathways or man-made pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;
- 4) There is no designated Class III special resource groundwater within 200 feet of the site; and
- 5) After completing early action measures in accordance with Subpart

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B of this Part, no surface bodies of water are adversely affected by the presence of a visible sheen or free product layer as a result of a release of petroleum.

- b) No groundwater investigation pursuant to Section 732.307(j) shall be required to demonstrate that a site meets the criteria of a "No Further Action" site.

**Section 732.303 "Low Priority" Sites**

Sites shall be classified as "Low Priority" if all of the following criteria are met:

- a) The physical soil classification and groundwater investigation procedures confirm the following:
  - 1) The groundwater quality standard or groundwater objective for any applicable indicator contaminant has not been exceeded at the property boundary line or 200 feet from the UST system, whichever is less; and
  - 2) "Berg Circular"
    - A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and
    - B) The site's actual physical soil conditions are verified as consistent with those designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or
  - 3) The site soil characteristics do not satisfy the criteria of Section 732.307(d)(3) of this Part;
- b) The UST system is not within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;
- c) After completing early action measures in accordance with Subpart B of this Part, there is no evidence that, through natural or man-made pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;
- d) There is no designated Class III special resource groundwater within 200 feet of the site; and
- e) After completing early action measures in accordance with Subpart B of this Part, there are no surface bodies of water adversely affected by the presence of a visible sheen or free product layer as a result of the release of petroleum.

**Section 732.304 "High Priority" Sites**



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Sites shall be classified as "High Priority" if any of the following are met:

- a) The physical soil classification and groundwater investigation procedures confirm the following:
  - 1) The groundwater quality standard or groundwater objective for any applicable indicator contaminant has been exceeded at the property boundary line or 200 feet from the UST system, whichever is less; and
  - 2) "Berg Circular"
    - i) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and
    - ii) The site's actual physical soil conditions are verified as consistent with those designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or
  - 3) The site soil characteristics do not satisfy the criteria of Section 732.307(d)(3) of this Part;
- b) The UST system is within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;
- c) After completing early action measures in accordance with Subpart B of this Part, there is evidence that, through natural or man-made pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;
- d) There is designated Class III special resource groundwater within 200 feet of the site; or
- e) After completing early action measures in accordance with Subpart B of this Part, a surface body of water is adversely affected by the presence of a visible sheen or free product layer as a result of a release of petroleum.

## Section 732.305 Plan Submittal and Review

- a) Prior to conducting any site evaluation activities, the owner or operator shall submit to the Agency a site classification plan, including but not limited to a physical soil classification and groundwater investigation plan, satisfying the minimum requirements for site evaluation activities as set forth in Section 732.307. The plans shall be designed to collect data sufficient to determine the site classification in accordance with Sections 732.302, 732.303 or 732.304 of this Part. Site classification plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

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- b) In addition to the plan required in subsection (a) above and prior to conducting any site evaluation activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency:
    - 1) An application for payment of costs associated with eligible early action costs incurred pursuant to Subpart B of this Part, except as provided in subsection (b)(2) below; and
    - 2) A site classification budget plan, which shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and a line item estimate costs associated with the development, implementation and completion of the site evaluation activities required in Section 732.307. In accordance with Section 732.204 of this Part, the owner or operator may submit a site classification budget plan that includes a line item estimate of the activities and costs of early action for review and approval prior to the submittal of an application for payment. Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part. Site classification budget plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
  - c) The Agency shall have the authority to review and approve, reject or require modification of any plan submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.
  - d) Notwithstanding subsections (a) and (b) above, an owner or operator may proceed to conduct site evaluation activities in accordance with this Subpart C prior to the submittal or approval or an otherwise required site classification plan (including physical soil classification and groundwater investigation plans and associated budget plans). However, any such plan shall be submitted to the Agency for review and approval, rejection or modification in accordance with the procedures contained in Subpart E of this Part prior to payment or reimbursement for any related costs or the issuance of a "No Further Remediation" letter.
  - e) If, following the approval of any site classification plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended site classification plan or associated budget plan for review by the Agency. The Agency shall have the authority to review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.
- BOARD NOTE: Owners or operators proceeding under subsection (b) of this Section are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

## Section 732.306 Deferred Site Classification; Priority List

- a) Notwithstanding any other provision or rule of law with the exception of the early action requirements of Subpart B of this Part and the



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investigation of migratory pathways as required by Section 732.309(e), the owner or operator who has submitted any budget plan pursuant to this Part and who is eligible for payment from the underground storage tank fund shall be eligible to elect to commence site classification upon the availability of funds. Such election shall be made in writing to the Agency within 30 days of receipt of Agency approval of a budget plan. At that time, or up until 60 days thereafter, the owner or operator shall also provide the results of the investigation of the migratory pathways so that the Agency can make its decision in accordance with subsection (b) of this Section. The Agency shall provide notice to the owner or operator at such time as it approves the budget plan whether sufficient resources are available in order to immediately commence the approved measures. (Section 57.8(b) of the Act)

- 1) Approvals of budget plans shall be pursuant to Agency review or by operation of law in accordance with Subpart E of this Part.
- 2) The Agency shall monitor the availability of funds to determine whether sufficient resources exist to provide payment in an amount equal to the total of the approved budget plans and shall provide notice to owners or operators of the availability of funds in accordance with Section 732.503(h). Funds shall not be deemed available for owners or operators electing to defer site classification so long as there are owners or operators on the priority list established pursuant to Section 732.603(d) of this Part awaiting forwarding of vouchers to the Office of the State Comptroller.
- 3) Upon receiving written notification that an owner or operator elects to defer site classification until funds are available, the Agency shall place the site on a priority list for notification of availability of sufficient funds. Sites shall enter the priority list based solely on the date the Agency receives the written notification of deferral, with the earliest dates having the highest priority. The Agency's record of the date of receipt shall be deemed conclusive, unless a contrary date is proven by a dated, signed receipt from registered or certified mail.
- 4) As funds become available, the Agency shall encumber funds for each site in the order of priority in an amount equal to the total of the approved budget plan for which deferral was sought. The Agency shall then notify owners or operators that sufficient funds have been allocated for the owner or operator's site. After such notification the owner or operator shall commence site classification activities.
- 5) Authorization of payment of encumbered funds for deferred site classification activities shall be approved in accordance with the requirements of Subpart F of this Part.
- 6) The priority list for notification of availability of sufficient funds shall be the same as that used for deferred corrective action pursuant to Section 732.406 with both types of deferrals

entering the list and moving up solely on the basis of the date the Agency receives written notice of the deferral.

- b) Should the Agency or owner or operator determine a threat to human health and/or the environment requires immediate action, including the existence of petroleum or vapors which threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, the election to commence site classification upon the availability of funds shall not be available. The Agency shall notify the owner or operator by certified mail that a situation exists that would preclude the owner or operator from commencing site classification upon the availability of funds. Such action by the Agency shall not be subject to appeal. (Section 57.8(b) of the Act)
- c) An owner or operator may withdraw the election to commence site classification activities upon the availability of funds at any time. The Agency shall be notified in writing of the withdrawal. Upon such withdrawal, the owner or operator shall proceed with site classification in accordance with the requirements of this Part.

## Section 732.307 Site Evaluation

- a) Except as provided in Section 732.300(b), the owner or operator of any site for which a release of petroleum has been confirmed in accordance with regulations promulgated by the OSFM and reported to IEMA shall arrange for site evaluation and classification in accordance with the requirements of this Section. A Licensed Professional Engineer (or, where appropriate, persons working under the direction of a Licensed Professional Engineer) shall conduct the site evaluation. The results of the site evaluation shall provide the basis for determining the site classification. The site classification shall be certified as required by the supervising Licensed Professional Engineer.
- b) As a part of each site evaluation, the Licensed Professional Engineer shall conduct a physical soil classification in accordance with the procedures at subsections (c) or (d) below. Except as provided in subsection (e) below, all elements of the chosen method of physical soil classification must be completed for each site. In addition to the requirement for a physical soil classification, the Licensed Professional Engineer shall, at a minimum, complete the requirements at subsections (f) through (j) below before classifying a site as "High Priority" or "Low Priority" and subsections (f) through (i) below before classifying a site as "No Further Action."
- c) Method One for Physical Soil Classification:
  - 1) Soil Borings
    - A) Prior to conducting field activities, a review of scientific publications and regional geologic maps shall be conducted to determine if the subsurface strata are as generally mapped in the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section



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732.104 of this Part. A list of the publications reviewed and any preliminary conclusions concerning the site geology shall be included in the site classification completion report.

- B) A minimum of one soil boring to a depth that includes 50 feet of native soil or to bedrock shall be performed for each tank field with a release of petroleum.
- C) If, during boring, bedrock is encountered or if auger refusal occurs because of the density of a geologic material, a sample of the bedrock or other material shall be collected to determine permeability or an in situ test shall be performed to determine hydraulic conductivity in accordance with subsections (c)(3)(A) and (c)(3)(B) below. If bedrock is encountered or auger refusal occurs, the Licensed Professional Engineer shall verify that the conditions that prevented the full boring are expected to be continuous through the remaining required depth.
- D) Borings shall be performed within 200 feet of the outer edge of the tank field or at the property boundary, whichever is less. If more than one boring is required per site, borings shall be spaced to provide reasonable representation of site characteristics. The actual spacing of the borings shall be based on the regional hydrogeologic information collected in accordance with Section 732.307(c)(1)(A). Location shall be chosen to limit to the greatest extent possible the vertical migration of contamination.
- E) Soil borings shall be continuously sampled to ensure that no gaps appear in the sample column.
- F) If anomalies are encountered, additional soil borings may be necessary to verify the consistency of the site geology.
- G) Any water bearing units encountered shall be protected as necessary to prevent cross-contamination of water bearing units during drilling.
- H) The owner or operator may utilize techniques other than those specified in this subsection (c)(1) for soil classification provided that:
  - i) The alternative technology provides equivalent, or superior, information as required by this Section;
  - ii) The technology has been successfully utilized in applications similar to the proposed application;
  - iii) Methods for quality control can be implemented; and
  - iv) The owner or operator has received written approval from the Agency prior to the start of the investigation.

## 2) Soil Properties

The following tests shall be performed on a representative sample of each stratigraphic unit encountered at the site:

- A) A soil particle analysis using the test methods specified in ASTM (American Society for Testing and Materials) Standards

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- D 422-63 or D 1140-54, "Standard Test Method for Particle-Size Analysis of Soils," or "Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve," incorporated by reference in Section 732.104 of this Part;
- B) A soil moisture content analysis using the test methods specified in ASTM Standards D 2216-90 or D 4643-87, "Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock," or "Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method," incorporated by reference in Section 732.104 of this Part;
- C) A soil classification using the test methods specified in ASTM Standards D 2487-90 or D 2488-90, "Standard Test Method for Classification of Soils for Engineering Purposes" or "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)," incorporated by reference in Section 732.104 of this Part; and
- D) Unconfined compression strength shall be determined in tons per square foot by using a hand penetrometer.

## 3) Hydraulic Conductivity

- A) If a water bearing unit is encountered while performing soil borings for the physical soil classification, an in-situ hydraulic conductivity test shall be performed in the first fully saturated layer below the water table. If multiple water bearing units are encountered, an in-situ hydraulic conductivity test shall be performed on each such unit.
  - i) Wells used for hydraulic conductivity testing shall be constructed in a manner that ensures the most accurate results.
  - ii) The screen must be contained within the saturated zone.
- B) If no water bearing unit is encountered in the required soil borings, then the following laboratory analyses shall be conducted, as applicable, on a representative sample from each stratigraphic unit:
  - i) A hydraulic conductivity analysis of undisturbed or laboratory compacted granular soils (i.e., clay, silt, sand or gravel) using the test method specified in ASTM (American Society for Testing and Materials) Standard D 5084-90, "Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeater," incorporated by reference in Section 732.104 of this Part.
  - ii) Granular soils having estimated hydraulic conductivity of greater than 1 X 10(3) cm/s will fail the hydraulic conductivity requirements within the Berg Circular for "No Further Action" geology, and therefore, no tests



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need to be run on the soils.

- iii) A hydraulic conductivity analysis of bedrock using the test method specified in ASTM (American Society for Testing and Materials) Standard D 4525-90, "Standard Test Method for Permeability of Rocks by Flowing Air," incorporated by reference in Section 732.104 of this Part.

- 4) If the results of the physical soil classification or groundwater investigation reveal that the actual site geologic characteristics are different from those generally mapped by the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part, the site classification shall be determined using the actual site geologic characteristics.

d) Method Two for Physical Soil Classification:

- 1) Soil Borings
  - A) A minimum of one soil boring to a depth that includes at least the first 15 feet of native material below the invert elevation of the UST.
  - B) This boring shall meet the requirements of subsections (c)(1)(C) through (c)(1)(G) above.

2) Soil Properties

The following tests shall be performed on a representative sample of each stratigraphic unit encountered in the native soil boring:

- A) A soil particle analysis satisfying the requirements of subsection (c)(2)(A) above; and
- B) A pump test or equivalent to determine the yield of the geologic material. Methodology, assumptions and any calculations performed shall be submitted as part of the site classification completion report. If the aquifer geometry and transmissivity have been obtained through a site-specific field investigation, an analytical solution may be used to estimate well yield. The Licensed Professional Engineer shall demonstrate the appropriateness of the analytical solution to estimate well yield versus an actual field test. Well yield should be determined for either confined or unconfined formations; or
- C) Hydraulic conductivity shall be determined in accordance with subsection (c)(3) above.
- 3) The results of the boring(s) and tests described in subsections (d)(1) and (d)(2) above shall be used to demonstrate whether the first 15 feet of native material below the invert elevation of the UST meets all of the following criteria:
  - A) Does not contain unconsolidated sand, gravel or sand and gravel that is 5 feet or more in thickness with 12 percent or less fines (i.e., fines that pass through a No. 200 sieve tested according to ASTM (American Society for Testing and Materials) Standard D 2488-90, "Standard Practice for

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Description and Identification of Soils (Visual-Manual Procedure)," incorporated by reference at Section 732.104 of this Part;

- B) Does not contain sandstone that is 10 feet or more in thickness; or fractured carbonate that is 15 feet or more in thickness; and

C) Is not capable of:

- i) Sustained groundwater yield, from up to a 12 inch borehole, of 150 gallons per day or more from a thickness of 15 feet or less; or
- ii) Hydraulic conductivity of  $1 \times 10^{-4}$  cm/sec or greater.

- e) If, during the completion of the requirements of subsections (c) or (d) above, a Licensed Professional Engineer determines that the site geology is not consistent with areas D, E, F or G of the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section 732.104 of this Part or that the criteria of subsection (d)(3) are not satisfied, any remaining steps required by subsections (c) or (d) may be suspended, provided that the soil investigation has been sufficient to satisfy the requirements of subsection (g) below. If activities are suspended under this subsection (e), the Licensed Professional Engineer shall complete the requirements of subsections (f) through (j) below in order to determine whether the site is "High Priority" or "Low Priority." The site conditions upon which the suspension of the requirements of subsections (c) or (d) above is based shall be documented in the site classification completion report.

f) Survey of Water Supply Wells

- 1) The Licensed Professional Engineer shall conduct a survey of water supply wells for the purpose of identifying and locating all community water supply wells within 2500 feet of the UST system and all potable water supply wells within 200 feet of the UST system. The survey shall include, but not be limited to, contacting the Illinois State Geological Survey and the Illinois State Water Survey. The local unit of government with authority over the site shall be contacted to determine if there is a local ordinance or policy regulating the usage of potable water supply wells.

- 2) The Licensed Professional Engineer shall provide a map to scale showing the locations of all community water supply wells and all potable water supply wells identified pursuant to subsection (f)(1) above. Radii of 200, 400 and 1000 feet from the UST system shall be marked on the map.

- 3) The Licensed Professional Engineer shall provide a table indicating the setback zone for each community water supply well and potable water supply well identified pursuant to subsection (f)(1) above and the distance from the UST system to the well. The locations of each well shall be identified on the map by



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numbers corresponding to the information provided in the table.

- 4) The Licensed Professional Engineer shall determine if the UST system is within the regulated recharge area of any community water supply well or potable water supply well. The sources consulted in making this determination shall be described in the site classification completion report.

- g) Investigation of Migration Pathways

- 1) The Licensed Professional Engineer shall conduct an investigation either separately or in conjunction with the physical soil classification to identify all potential natural and man-made migration pathways that are on the site, in rights-of-way attached to the site, or in any area surrounding the site that may be adversely affected as a result of the release of petroleum from the UST system. Once the migration pathways have been identified, the areas along all such pathways shall be further investigated in a manner sufficient to determine whether or not there is evidence that migration of petroleum or vapors along such pathways:

- A) May potentially threaten human health or human safety; or
- B) May cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

- 2) The Licensed Professional Engineer shall provide a map of the site and any surrounding areas that may be adversely affected by the release of petroleum from the UST system. At a minimum, the map shall be to scale, oriented with north at the top, and shall show the location of the leaking UST system(s) with any associated piping and all potential natural and man-made pathways that are on the site, in rights-of-way attached to the site, or that are in areas that may be adversely affected as a result of the release of petroleum.

- 3) Unless the Agency's review reveals objective evidence to the contrary, the Licensed Professional Engineer shall be presumed correct when certifying whether or not there is evidence that, through natural or man-made pathways, migration of petroleum or vapors:

- A) May potentially threaten human health or human safety; or
- B) May cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

- h) The Licensed Professional Engineer shall verify whether Class III groundwater exists within 200 feet of the UST system.

- i) The Licensed Professional Engineer shall locate all surface bodies of water on site and within 100 feet of the site and provide a map noting the locations. All such surface bodies of water shall be inspected to determine whether they have been adversely affected by the presence of a sheen or free product layer resulting from the release of petroleum from the UST system.

- j) Groundwater Investigation

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- 1) For any site that fails to satisfy the requirements for a "No Further Action" site classification, the Licensed Professional Engineer shall perform a groundwater investigation in accordance with this subsection (j) to determine whether an applicable indicator contaminant groundwater quality standard has been exceeded at the property boundary or 200 feet from the excavation, whichever is less, as a result of the UST release of petroleum.
- 2) Applicable indicator contaminants and groundwater quality standards shall be those identified pursuant to Sections 732.310 and 732.311 of this Part.
- 3) A minimum of four groundwater monitoring wells shall be installed at the property boundary or 200 feet from the UST system, whichever is less. The Agency may require that at least one additional monitoring wells to ensure that at least one monitoring well is located hydraulically upgradient and three monitoring wells are located hydraulically downgradient of the UST system. The wells must be installed so that they provide the greatest likelihood of detecting migration of groundwater contamination. At a minimum, monitoring well construction shall satisfy the following requirements:

- A) Construction shall be in a manner that will enable the collection of representative groundwater samples;
- B) All monitoring wells shall be cased in a manner that maintains the integrity of the borehole. Casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used;
- C) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with clean, well-rounded and uniform material sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material that is inert with respect to the constituents of the groundwater that is being sampled;
- D) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as cement/bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of groundwater samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level;
- E) The annular space shall be backfilled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away;
- F) All monitoring wells shall be covered with vented caps and equipped with devices to protect against tampering and damage. Locations of wells shall be clearly marked and



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protected against damage from vehicular traffic or other activities associated with expected site use; and

G) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.

4) Monitoring well construction diagrams prescribed and provided by the Agency or diagrams using a similar format and containing the same information shall be completed for each monitoring well.

5) Static water elevations shall be measured for each monitoring well. Groundwater samples shall be taken from each well and analyzed for the applicable indicator contaminants. The data collected shall be used to determine the direction of groundwater flow and whether the applicable groundwater quality standards or clean-up objectives have been exceeded. Samples shall be collected and analyzed in accordance with the following procedures:

A) Samples shall be collected in accordance with the procedures set forth in the documents "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Organic Compounds in Drinking Water," "Practical Guide for Ground-Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," or "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," as appropriate for the applicable indicator contaminants or groundwater objectives and as incorporated by reference at Section 732.104 of this Part.

B) Groundwater elevation in a groundwater monitoring well shall be determined and recorded to establish the gradient of the groundwater table.

C) The analytical methodology used for the analysis of the indicator contaminants shall be consistent with both of the following:

i) The methodology shall have a practical quantitation limit (PQL) at or below the objectives or detection levels of Appendix B or as set for mixtures or degradation products as provided in Section 732.310 of this Part; and

ii) The methodology must be consistent with the methodologies contained in "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Organic Compounds in Drinking Water," "Practical Guide for Ground-Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," and "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," as incorporated by reference at Section

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- D) In addition to analytical results, sampling and analytical reports shall contain the following information:
- i) Sample collection information including but not limited to the name of sample collector, time and date of sample collection, method of collection, and monitoring location;
  - ii) Sample preservation and shipment information including but not limited to field quality control;
  - iii) Analytical procedures including but not limited to the method detection limits and the practical quantitation limits (PQL);
  - iv) Chain of custody and control; and
  - v) Field and lab blanks.

### Section 732.308 Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells

a) Soil boring logs shall be kept for all soil borings. The logs shall be submitted along with the site classification completion report and shall be on forms prescribed by the Agency or in a similar format containing the same information.

1) Soil boring logs shall contain the following information at a minimum:

- A) Sampling device, sample number and amount of recovery;
  - B) Total depth of boring to the nearest 6 inches;
  - C) Detailed field observations describing materials encountered in boring, including soil constituents, consistency, color, density, moisture, odors, and the nature and extent of sand or gravel lenses or seams equal to or greater than 1 inch in thickness;
  - D) Petroleum hydrocarbon vapor readings (as determined by continuous screening of borings with field instruments capable of detecting such vapors);
  - E) Locations of sample(s) used for physical or chemical analysis; and
  - F) Groundwater levels while boring and at completion.
- 2) Boring logs for soil boring(s) completed for physical soil classification also shall include the following information, as applicable for the classification method chosen, for each stratigraphic unit encountered at the site:
- A) Moisture content;
  - B) Unconfined compression strength in tons per square foot (TSF) using a hand penetrometer; and
  - C) Unified Soil Classification System (USCS) soil classification group symbol in accordance with ASTM Standard D 2487-90, "Standard Test Method for Classification of Soils for Engineering Purposes," incorporated by reference in Section 732.104 of this Part.



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- b) Boreholes and monitoring wells shall be abandoned pursuant to regulations promulgated by the Illinois Department of Public Health at 77 Ill. Adm. Code 920.120.

**Section 732.309 Site Classification Completion Report**

- a) Within 30 days after the completion of a site evaluation in accordance with Section 732.307, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by Section 732.307, as well as the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions. The report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information, shall be signed by the owner or operator, and shall contain the certification of a Licensed Professional Engineer of the site's classification as "No Further Action," "Low Priority" or "High Priority" in accordance with this Subpart C.
- b) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

**Section 732.310 Indicator Contaminants**

- a) For purposes of this Part, the term "indicator contaminants" shall mean the parameters listed in subsections (b) through (g) below.
- b) For gasoline, including but not limited to leaded, unleaded, premium and gasohol, the indicator contaminants shall be benzene, ethylbenzene, toluene and total xylenes. For leaded gasoline, lead shall also be an indicator contaminant.
- c) For aviation turbine fuels, jet fuels, diesel fuels, gas turbine fuel oils, heating fuel oils, illuminating oils, kerosene, lubricants, liquid asphalt and dust laying oils, cable oils, crude oil, crude oil fractions, petroleum feedstocks, petroleum fractions and heavy oils, the indicator contaminants shall be benzene, ethylbenzene, toluene, and total xylenes and the polynuclear aromatics listed in Appendix A. For leaded aviation turbine fuels, lead shall also be an indicator contaminant.
- d) For transformer oils the indicator contaminants shall be benzene, ethylbenzene, toluene, total xylenes, the polynuclear aromatics listed in Appendix B and the polychlorinated biphenyl parameters listed in Appendix B.
- e) For hydraulic fluids the indicator contaminants shall be benzene, ethylbenzene, toluene, and total xylenes, the polynuclear aromatics listed in Appendix B and barium.
- f) For petroleum spirits, mineral spirits, Stoddard solvents, high-flash aromatic naphthas, moderately volatile hydrocarbon solvents and petroleum extender oils, the indicator contaminants shall be the

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volatile, base/neutral and polynuclear aromatic parameters listed in Appendix B. The Agency may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.

- g) For used oil the indicator contaminants shall be determined by the results of a used oil soil sample analysis. Prior to the submission of a site classification plan the owner or operator shall collect a grab sample from a location representative of soil contaminated by a release from the used oil UST. If an area of contamination cannot be identified, the sample shall be collected from beneath the used oil UST. The sample shall be analyzed for:

- 1) All volatile, base/neutral, polynuclear aromatic and metal parameters listed at Appendix B and any other parameters the Licensed Professional Engineer suspects may be present based on UST usage. The Agency may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.
- 2) The used oil indicator contaminants shall be those volatile, base/neutral, polynuclear aromatic and metal parameters listed at Appendix B or as otherwise identified at subsection (a) above that exceed their cleanup objective at Appendix B or as determined by the Agency.
- 3) If none of the parameters exceed their cleanup objective, the used oil indicator contaminants shall be benzene, BETX and the polynuclear aromatics listed in Appendix B.

**Section 732.311 Indicator Contaminant Groundwater Objectives**

For purposes of this Part, indicator contaminant groundwater quality standards shall be the groundwater objectives specified in Appendix B for the applicable indicator contaminants. For mixtures and degradation products that have been included as indicator contaminants in accordance with Section 732.310 of this Part, the Agency shall determine groundwater objectives on a site-by-site basis.

**SUBPART D: CORRECTIVE ACTION****Section 732.400 General**

- a) Following approval of the site evaluation and classification by the Agency or by operation of law pursuant to Subpart C of this Part and except as provided in subsection (b) or (c) below, the owner or operator of a UST system subject to the requirements of this Part shall develop and submit a corrective action plan and perform corrective action activities in accordance with the procedures and requirements contained in this Subpart D.
- b) Owners or operators of sites classified in accordance with the requirements of Subpart C as "No Further Action" may choose to conduct



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remediation objectives in Section 732.408 of this Part.

- c) Owners or operators of sites classified in accordance with the requirements of Subpart C as "Low Priority" may choose to conduct remediation sufficient to satisfy the remediation objectives in Section 732.408 of this Part. Any owner or operator choosing to conduct remediation sufficient to satisfy the remediation objectives in Section 732.408 of this Part shall so notify the Agency in writing prior to conducting such efforts. Upon completion of the remediation activities, owners or operators choosing to conduct remediation sufficient to satisfy the remediation objectives in Section 732.408 of this Part shall submit a corrective action completion report to the Agency demonstrating compliance with the required levels. Upon approval of the corrective action completion report by the Agency or by operation of law in accordance with Subpart E, a "No Further Remediation" letter shall be issued by the Agency.
- BOARD NOTE: Owners or operators proceeding under subsection (b) or (c) above are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

**Section 732.401 Agency Authority to Initiate**

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate corrective action activities in accordance with the remainder of this Subpart D.

**Section 732.402 "No Further Action" Site**

The owner or operator of a site that has been certified as a "No Further Action" site by a Licensed Professional Engineer and approved as such by the Agency or by operation of law shall have no additional remediation responsibilities beyond those performed pursuant to Subparts B or C of this Part. Unless the Agency takes action to reject or modify the site classification completion report pursuant to Section 732.309, the Agency shall issue to the owner or operator within 120 days after the receipt of a complete report a "No Further Remediation" letter in accordance with Section 732.410.

**Section 732.403 "Low Priority" Site**

- a) The owner or operator of a site that has been certified as a "Low Priority" site by a Licensed Professional Engineer and approved as such by the Agency or by operation of law shall develop a groundwater monitoring plan and perform groundwater monitoring in accordance with the requirements of this Section.
- b) The owner or operator of a site certified as "Low Priority" by a Licensed Professional Engineer and approved as such by the Agency or by operation of law shall develop a groundwater monitoring plan designed to satisfy the following requirements at a minimum:
- 1) Groundwater monitoring shall be conducted for a period of three years following the Agency's approval of the site classification;

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- 2) Groundwater monitoring wells shall be placed at the property line or 200 feet from the UST system, whichever is closer. The wells shall be placed in a configuration designed to provide the greatest likelihood of detecting migration of groundwater contamination;
  - 3) Groundwater monitoring wells shall satisfy the requirements at Sections 732.307(j)(3) and 732.307(j)(4) of this Part;
  - 4) During the first year of groundwater monitoring, samples from each well shall be collected and analyzed on a quarterly basis. During the second year of groundwater monitoring, samples from each well shall be collected and analyzed during the second and fourth quarters. During the third and final year of groundwater monitoring, at a minimum, samples from each well shall be collected and analyzed in the fourth quarter;
  - 5) To determine whether groundwater quality standards or Agency approved objectives have been exceeded, samples for groundwater monitoring shall be collected and analyzed in accordance with the procedures set forth in Section 732.307(j)(5) of this Part for the applicable indicator contaminants determined pursuant to Section 732.310 of this Part.
- c) Prior to the implementation of groundwater monitoring, the owner or operator shall submit the groundwater monitoring plan to the Agency for review in accordance with Section 732.405. If the owner or operator intends to seek payment from the Fund, a groundwater monitoring budget plan also shall be submitted to the Agency for review. The groundwater monitoring budget plan shall include a line item estimate of all costs associated with the implementation and completion of the groundwater monitoring plan. Groundwater monitoring plans and budgets shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- d) Groundwater analysis results obtained pursuant to subsection (b) above shall be submitted to the Agency within 30 days after the end of each annual sampling period on forms prescribed by the Agency or in a similar format containing the same information.
- 1) The information to be collected shall include but not be limited to the information set forth in Section 732.307(j)(5) of this Part.
  - 2) If at any time the groundwater analysis results indicate a confirmed exceedance of the applicable indicator contaminant groundwater quality standards or Agency approved objectives as a result of the underground storage tank release of petroleum, the owner or operator shall notify the Agency of the exceedance within 30 days and provide supporting documentation of the nature and extent of the exceedance.
  - 3) Indicator contaminant groundwater quality standards shall be determined in accordance with Section 732.311 of this Part.
  - e) Within 30 days after the completion of the "Low Priority" groundwater monitoring plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report in accordance with Section



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732.409 of this Part. If there is no confirmed exceedence of applicable indicator contaminant objectives during the three year groundwater monitoring period, the report shall contain a certification to that effect by a Licensed Professional Engineer.

f) The Agency shall review the groundwater monitoring completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a "No Further Remediation" letter to the owner or operator in accordance with Section 732.410 upon approval of the report by the Agency or by operation of law.

g) If at any time groundwater analysis results indicate a confirmed exceedence of applicable indicator contaminant objectives, the Agency may reclassify the site as a "High Priority" site within 60 days after the receipt of an annual groundwater sampling report, a groundwater monitoring completion report, or a notification by the owner or operator pursuant to subsection (d)(2) above. The Agency shall notify the owner or operator in writing if a site is reclassified. Notice of reclassification shall be by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed. Any action by the Agency to reclassify the site as a "High Priority" site shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for in the review of permit decisions in Section 40 of the Act.

h) The owner or operator of a "Low Priority" site reclassified to "High Priority" pursuant to subsection (g) above shall develop and submit for Agency approval a "High Priority" corrective action plan satisfying the requirements of Section 732.404 of this Part within 120 days after receiving the notice of reclassification. If the owner or operator intends to seek reimbursement from the Fund, a corrective action plan budget also shall be submitted within 120 days after receiving the notice of reclassification.

## Section 732.404 "High Priority" Site

a) The owner or operator of a site that has been certified by a Licensed Professional Engineer as a "High Priority" site and approved as such by the Agency or by operation of law shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section. The purpose of the corrective action plan shall be to remediate or eliminate each of the criteria set forth in subsection (b) below that caused the site to be classified as "High Priority."

b) The owner or operator of a site certified as "High Priority" by a Licensed Professional Engineer and approved as such by the Agency or by operation of law or reclassified as "High Priority" by the Agency pursuant to Section 732.403(g) shall develop a corrective action plan based on site conditions and designed to achieve the following as applicable to the site:

1) Provide that, after complete performance of the corrective action plan, applicable indicator contaminant objectives are not

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exceeded at the property boundary line or 200 feet from the UST system, whichever is less, as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation. If an adjoining property owner will not allow the owner/operator access to his or her property so as to ascertain information sufficient to satisfy this requirement, or if the owner cannot be located, adequate documentation of the owner/operators' efforts to gain access to the property shall satisfy this subsection;

2) Provide that, after complete performance of the corrective action plan, Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the UST system are not exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation;

3) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;

4) Remediate threats to potable water supplies; and

5) Remediate threats to bodies of surface water.

c) In developing the corrective action plan, if the Licensed Professional Engineer selects soil or groundwater remediation, or both, to satisfy any of the criteria set forth in subsection (b) above, remediation objectives shall be determined in accordance with Section 732.408 of this Part. Groundwater monitoring wells shall satisfy the requirements of Sections 732.307(j)(3) and 732.307(j)(4) of this Part.

d) In developing the corrective action plan, additional investigation activities beyond those required for the site evaluation and classification may be necessary to determine the full extent of soil or groundwater contamination and of threats to human health or the environment. Such activities may include, but are not limited to, additional soil borings with sampling and analysis or additional groundwater monitoring wells with sampling and analysis. Such activities as are technically necessary and consistent with generally accepted engineering practices may be performed without submitting a work plan or receiving prior approval from the Agency, and associated costs may be included in a "High Priority" corrective action budget plan. A description of these activities and the results shall be included as a part of the corrective action plan.

e) The owner or operator shall submit the corrective action plan to the Agency for review in accordance with Section 732.405 of this Part. If the owner or operator intends to seek payment from the Fund, a corrective action plan budget also shall be submitted to the Agency for review. The corrective action plan budget shall include a line item estimate of all costs associated with the implementation and completion of the corrective action plan. The corrective action plan and corrective action plan budget shall be submitted on forms



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prescribed by the Agency or in a similar format containing the same information.

- f) Within 30 days after completing the performance of the "High Priority" corrective action plan, the owner or operator shall submit to the Agency a corrective action completion report in accordance with Section 732.409 of this Part.
- g) Within 120 days, the Agency shall review the corrective action completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a "No Further Remediation" letter to the owner or operator in accordance with Section 732.410 upon approval by the Agency or by operation of law.

**Section 732.405 Plan Submittal and Review**

- a) Prior to conducting any corrective action activities pursuant to this Subpart D, the owner or operator shall submit to the Agency a "Low Priority" groundwater monitoring plan or a "High Priority" corrective action plan satisfying the minimum requirements for such activities as set forth in Sections 732.403 or 732.404 of this Part, as applicable. Groundwater monitoring and corrective action plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- b) In addition to the plans required in subsection (a) above and prior to conducting any groundwater monitoring or corrective action activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency a groundwater monitoring or corrective action budget plan. Such budget plans shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and a line item estimate of all costs associated with the development, implementation and completion of the applicable activities. Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part. Groundwater monitoring and corrective action budget plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- c) The Agency shall have the authority to review and approve, reject or require modification of any plan submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.
- d) Notwithstanding subsections (a) and (b) above and except as provided at Section 732.407 of this Part, an owner or operator may proceed to conduct "Low Priority" groundwater monitoring or "High Priority" corrective action activities in accordance with this Subpart D prior to the submittal or approval of an otherwise required groundwater monitoring plan or budget or corrective action plan or budget. However, any such plan shall be submitted to the Agency for review and approval, rejection or modification in accordance with the procedures contained in Subpart E of this Part prior to payment or reimbursement for any related costs or the issuance of a "No Further Remediation" letter.

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**BOARD NOTE:** Owners or operators proceeding under subsection (d) of this Section are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

- e) If, following approval of any groundwater monitoring plan, corrective action plan or associated budget plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended groundwater monitoring plan, corrective action plan or associated budget plan for review by the Agency. The Agency shall review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.

**Section 732.406 Deferred Corrective Action; Priority List**

- a) *Notwithstanding any other provision or rule of law with the exception of the early action requirements of Subpart B of this Part, the owner or operator who has submitted any budget plan pursuant to this Part and who is eligible for payment from the underground storage tank fund shall be eligible to elect to commence corrective action upon the availability of funds. Such election shall be made in writing to the Agency within 30 days of receipt of Agency approval of a budget plan. The Agency shall provide notice to the owner or operator at such time as it approves the budget plan whether sufficient resources are available in order to immediately commence the approved measures.* (Section 57.8(b) of the Act)
- 1) Approvals of budget plans shall be pursuant to Agency review or by operation of law in accordance with Subpart E of this Part.
- 2) The Agency shall monitor the availability of funds to determine whether sufficient resources exist to provide payment in an amount equal to the total of the approved budget plans and shall provide notice to owners or operators of the availability of funds in accordance with Section 732.503(h). Funds shall not be deemed available for owners or operators electing to defer corrective action so long as there are owners or operators on the priority list established pursuant to Section 732.603(d) of this Part awaiting forwarding of vouchers to the Office of the State Comptroller.
- 3) Upon receiving written notification that an owner or operator elects to defer corrective action until funds are available, the Agency shall place the site on a priority list for notification of availability of sufficient funds. Sites shall enter the priority list and move up based solely on the date the Agency receives the written notification of deferral, with the earliest dates having the highest priority. The Agency's record of the date of receipt shall be deemed conclusive, unless a contrary date is proven by a dated, signed receipt from registered or certified mail.
- 4) As funds become available, the Agency shall encumber funds for



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each site in the order of priority in an amount equal to the total of the approved budget plan for which deferral was sought. The Agency shall then notify owners or operators that sufficient funds have been allocated for the owner's or operator's site. After such notification the owner or operator shall commence corrective action.

5) Authorization of payment of encumbered funds for deferred corrective action activities shall be approved in accordance with the requirements of Subpart F of this Part.

6) The priority list for notification of availability of sufficient funds shall be the same as that used for deferred site classification pursuant to Section 732.306 with both types of deferrals entering the list and moving up solely on the basis of the date the Agency receives written notice of the deferral.

b) *Should the Agency or owner or operator determine a threat to human health and/or the environment requires immediate action, including the existence of petroleum or vapors which threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, the election to commence corrective action upon the availability of funds shall not be available. The Agency shall notify the owner or operator by certified mail that a situation exists that would preclude the owner or operator from commencing corrective action upon the availability of funds. Such action by the Agency shall not be subject to appeal. (Section 57.8(b) of the Act)*

c) An owner or operator may withdraw the election to commence corrective action upon the availability of funds at any time. The Agency shall be notified in writing of the withdrawal. Upon such withdrawal, the owner or operator shall proceed with corrective action in accordance with the requirements of this Part.

## Section 732.407 Alternative Technologies

a) An owner or operator may choose to use an alternative technology for corrective action in response to a release of petroleum at a "High Priority" site. Corrective action plans proposing the use of alternative technologies shall be submitted to the Agency in accordance with Section 732.405 of this Part. In addition to the requirements for corrective action plans contained in Section 732.404, the owner or operator who seeks approval of an alternative technology shall submit documentation along with the corrective action plan demonstrating that:

- 1) The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and all corrective action remediation objectives necessary to comply with the Act and regulations and to protect human health or the environment;
- 2) The proposed alternative technology will not adversely affect human health or the environment;

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- 3) The owner or operator will obtain all Agency permits necessary to legally authorize use of the alternative technology;
- 4) The owner or operator will implement a program to monitor whether the requirements of subsection (a)(1) above have been met; and
- 5) Within one year from the date of Agency approval the owner or operator will provide to the Agency monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (a)(1) above and any other applicable regulations. The Agency may require interim reports as necessary to track the progress of the alternative technology. The Agency will specify in the approval when those interim reports shall be submitted to the Agency.

b) An owner or operator intending to seek payment or reimbursement for costs associated with the use of an alternative technology shall submit a corresponding budget plan in accordance with Section 732.405 of this Part. In addition to the requirements for corrective action budget plans at Section 732.404 of this Part, the budget plan must demonstrate that the cost of the alternative technology will not exceed the cost of conventional technology.

c) If an owner or operator has received approval of a corrective action plan and associated budget plan from the Agency or by operation of law prior to implementing the plan and the alternative technology fails to satisfy the requirements of subsections (a)(1) or (a)(2) above, such failure shall not make the owner or operator ineligible to seek payment or reimbursement for the activities associated with the subsequent performance of a corrective action using conventional technology. However, in no case shall the total payment or reimbursement for the site exceed the statutory maximums. Owners or operators implementing alternative technologies without obtaining pre-approval shall be ineligible to seek payment or reimbursement for the subsequent performance of a corrective action using conventional technology.

## Section 732.408 Risk Based Remediation Objectives

a) For sites requiring "High Priority" corrective action or for which the owner or operator has elected to conduct corrective action pursuant to Sections 732.300(b), 732.400(b), or 732.400(c) of this Part, the owner or operator may propose remediation objectives for applicable indicator contaminants based on a site assessment of risk. In support of site specific remediation objectives, the owner or operator shall demonstrate to the Agency that the proposed objectives will be protective of human health and the environment.

- 1) Except as provided in subsection (a)(2) below, the owner or operator may propose site specific remediation objectives for applicable indicator contaminants.
- 2) For applicable indicator contaminants that have a groundwater quality standard promulgated pursuant to 35 Ill. Adm. Code 620,



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site specific groundwater remediation objectives may be proposed so as to achieve groundwater quality standards established pursuant to, and using the procedures approved under, 35 Ill. Adm. Code 620.

- b) In reviewing a proposal for site specific remediation objectives pursuant to subsection (a)(1) above, the Agency shall evaluate the following factors:

- 1) The potential for any remaining contaminants to pose a significant threat to human health or the environment;
- 2) Circumstances related to the practicality of remediation;
- 3) The management of risk relative to any remaining contamination;
- 4) Background levels for the applicable indicator contaminants; and
- 5) Appropriateness of the scientific methodology selected as a basis for the demonstration of protectiveness and correct application of the methodology. Methodologies adopted by a nationally recognized entity such as American Society for Testing and Materials (ASTM), or equivalent methodologies, shall be acceptable for use as a basis for the demonstration of protectiveness.

- c) For sites requiring "High Priority" corrective action or for which the owner or operator has elected to conduct corrective action pursuant to Sections 732.300(b), 732.400(b) or 732.400(c) of this Part, if the owner or operator does not elect to propose remediation objectives pursuant to subsection (a) above, the owner or operator shall use remediation objectives, as applicable, based on Appendix B of this Part. Where indicator contaminants based on mixtures or degradation products have been designated by the Agency pursuant to Section 732.310 of this Part, the Agency shall determine remediation objectives on a site-by-site basis.

BOARD NOTE: The remediation objectives contained in Appendix B are not soil or groundwater standards. The remediation objectives contained in Appendix B of this Part are not remediation objectives for purposes of remediation of releases other than LUST releases pursuant to this Part 732.

- d) The election to proceed under either subsection (a) or (c) above does not prohibit the owner or operator from exercising the other option at a later time.

## Section 732.409 Groundwater Monitoring and Corrective Action Completion Reports

- a) Within 30 days after completing the performance of a "Low Priority" groundwater monitoring plan or "High Priority" corrective action plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report or a corrective action completion report.
- 1) The "Low Priority" groundwater monitoring completion report shall include, but not be limited to, a narrative describing the implementation and completion of all elements of the groundwater monitoring plan and the procedures used for collection and

analysis of samples, analytical results in tabular form, actual analytical results, laboratory certification and any other information or documentation relied upon by the Licensed Professional Engineer in reaching the conclusion that the requirements of the Act and regulations have been satisfied and that no further remediation is required at the site.

- 2) The "High Priority" corrective action completion report shall include, but not be limited to, a narrative and timetable describing the implementation and completion of all elements of the corrective action plan and the procedures used for the collection and analysis of samples, soil boring logs, actual analytical results, laboratory certification, site maps, well logs and any other information or documentation relied upon by the Licensed Professional Engineer in reaching the conclusion that the requirements of the Act and regulations have been satisfied and that no further remediation is required at the site. A "High Priority" corrective action completion report shall demonstrate the following:

- A) Applicable indicator contaminant groundwater objectives are not exceeded at the property boundary line or 200 feet from the UST system, whichever is less, as a result of the release of petroleum for any indicator contaminant identified during the groundwater investigation;
  - B) Class III resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the UST system are not exceeded as a result of the release of petroleum for any indicator contaminant identified during the groundwater investigation;
  - C) The release of petroleum does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum in concentration sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;
  - D) The release of petroleum does not threaten any surface water body; and
  - E) The release of petroleum does not threaten any potable water supply.
- b) The applicable report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information, shall be signed by the owner or operator, and shall be accompanied by a certification from a Licensed Professional Engineer that the information presented in the applicable report is accurate and complete, that groundwater monitoring or corrective action have been completed in accordance with the requirements of the Act and this Subpart D, and that no further remediation is required at the site.
- c) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.



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**Section 732.410 "No Further Remediation" Letter**

- a) Upon approval by the Agency or by operation of law of a "No Further Action" site classification report, a "Low Priority" groundwater monitoring completion report, or a "High Priority" corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation" letter. The "no further remediation" letter shall have the legal effect prescribed in Section 57.10 of the Act. The "no further remediation" letter shall be denied if the Agency rejects or requires modification of the applicable report.
- b) The Agency shall have 120 days from the date of receipt of a complete report to issue a "no further remediation" letter and may include the "no further remediation" letter as part of the notification of approval of the applicable report in accordance with Subpart E of this Part.
- c) If an applicable report is approved by operation of law pursuant to Subpart E of this Part and a "no further remediation" letter is not received from the Agency, the legal presumptions prescribed by Section 57.10 of the Act also shall become effective by operation of law.
- d) The notice of denial of a "no further remediation" letter by the Agency may be included with the notification of rejection or modification of the applicable report. The reasons for the denial shall be stated in the notification. The denial shall be considered a final determination appealable to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act.

**SUBPART E: SELECTION AND REVIEW PROCEDURES FOR PLANS AND REPORTS****Section 732.500 General**

- a) The Agency shall have the authority to review any plan or report, including any amended plan or report, submitted pursuant to this Part. All such reviews shall be subject to the procedures set forth in the Act and this Subpart E.
- b) For purposes of this Part 732, "plan" shall mean:
  - 1) Any physical soil classification or groundwater investigation plan or associated budget plan submitted pursuant to Subpart C of this Part;
  - 2) Any groundwater monitoring plan or associated budget plan submitted pursuant to Subpart D of this Part; or
  - 3) Any site-specific corrective action plan or associated budget plan submitted pursuant to Subpart D of this Part.
- c) For purposes of this Part 732, "report" shall mean:
  - 1) Any early action report or free product removal report submitted pursuant to Subpart B of this Part;
  - 2) Any site classification completion report submitted pursuant to Subpart C of this Part;

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- 3) Any annual groundwater monitoring report submitted pursuant to Subpart D of this Part;
- 4) Any groundwater monitoring completion report submitted pursuant to Subpart D of this Part; or
- 5) Any corrective action completion report submitted pursuant to Subpart D of this Part or Sections 732.300(b) or 732.400(b) or (c) of this Part.

**Section 732.501 Submittal of Plans or Reports**

All plans or reports shall be made on forms prescribed by the Agency or in a similar format containing the same information. Plans or reports shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

**Section 732.502 Completeness Review**

- a) The Agency shall review for completeness all plans submitted pursuant to this Part 732. The completeness review shall be sufficient to determine whether all information and documentation required by the Agency form for the particular plan are present. The review shall not be used to determine the technical sufficiency of a particular plan or of the information or documentation submitted along with the plan. The Agency shall have 45 days from the receipt of a plan to finish the completeness review. If the completeness review finds that the plan is complete, the Agency shall so notify the owner or operator in writing and proceed, where appropriate, to approval, rejection or modification of the substantive portions of the plan. If the completeness review finds that the plan is incomplete, the Agency shall notify the owner or operator in writing. The notification shall include an explanation of the specific type of information or documentation that the Agency deems necessary to complete the plan.
  - 1) The Agency may, to the extent consistent with Agency deadlines, provide the owner or operator with a reasonable opportunity to correct deficiencies prior to a final determination on completeness.
  - 2) The Agency shall mail notice of incompleteness by registered or certified mail, post marked with a date stamp and with return receipt requested. The decision shall be deemed to have taken place on the post marked date that such notice is mailed.
  - 3) All time limits for Agency final action on a plan or report shall be calculated from the date the Agency receives a plan or report. Receipt of an amended plan or report, after a notice of incompleteness, shall restart all time limits for Agency final action on that plan or report.
- c) Any budget plan submitted must be preceded or accompanied by an associated technical plan in order for the budget plan to be deemed complete.



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- d) The failure of the Agency to notify an owner or operator within 45 days that a plan is either complete or incomplete shall result in the plan being deemed complete by operation of law. Any action by the Agency pursuant to this Section shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for in the review of permit decisions in Section 40 of the Act.

**Section 732.503 Full Review of Plans or Reports**

- a) In addition to the completeness review for plans conducted pursuant to Section 732.502, the Agency may conduct a full review of plans or reports selected in accordance with the requirements of Section 732.504. A full review may include any or all technical or financial information, or both, relied upon by the owner or operator or Licensed Professional Engineer in developing the plan or report selected for review. The full review also may include the review of any other plans or reports submitted in conjunction with the site.
- b) The Agency shall have the authority to approve, reject or require modification of any plan or report that has been given a full review. The Agency shall notify the owner or operator in writing of its final action on any such plan or report. Except as provided in subsections (c) and (d) below, if the Agency fails to notify the owner or operator of its final action on a plan or report within 120 days after the receipt of a plan or report, the owner or operator may deem the plan or report approved by operation of law. If the Agency rejects a plan or report or requires modifications, the written notification shall contain the following information, as applicable:

- 1) An explanation of the specific type of information, if any, that the Agency needs to complete the full review;
  - 2) An explanation of the Sections of the Act or regulations that may be violated if the plan or report is approved; and
  - 3) A statement of specific reasons why the cited Sections of the Act or regulations may be violated if the plan or report is approved.
- c) For "High Priority" corrective action plans submitted by owners or operators not seeking reimbursement from the Fund, the Agency may delay final action on such plans until 120 days after it receives the corrective action completion report required pursuant to Section 732.409 of this Part.
- d) An owner or operator may waive the right to a final decision within 120 days after the submittal of a complete plan or report by submitting written notice to the Agency prior to the applicable deadline. Any waiver shall be for a minimum of 60 days.
- e) The Agency shall mail notices of final action on plans or reports by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.
- f) Any action by the Agency to reject or require modification of a plan or report shall be subject to appeal to the Board within 35 days after

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the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act. Any owner or operator may elect to incorporate modifications required by the Agency and shall do so by submitting a revised plan or report within 30 days after the receipt of the Agency's written notification. If no revised plan or report is submitted to the Agency or no appeal to the Board filed within the specified time frames, the plan or report shall be deemed approved as modified by the Agency.

## g) Notification of Selection for Full Review

- 1) Owners or operators submitting plans shall be notified by the Agency within 60 days from the date the plan is received whether or not the plan has been selected for full review in accordance with Section 732.504 of this Part. Failure of the Agency to so notify the owner or operator or notification by the Agency that the plan has not been selected for full review shall constitute approval of the plan by operation of law.
- 2) Owners or operators submitting reports shall be notified by the Agency within 60 days after the receipt of the report whether or not the report has been selected for full review in accordance with Section 732.504 of this Part. Failure of the Agency to so notify the owner or operator or notification by the Agency that the report has not been selected for full review shall constitute approval of the report by operation of law.
- 3) Notice shall be sent and the date of notification shall be computed in accordance with subsection (e) above.
- h) In accordance with Sections 732.306 and 732.406 of this Part, upon the approval of any budget plan by the Agency or by operation of law, the Agency shall include as part of the final notice to the owner or operator a statement of whether or not the Fund contains sufficient resources in order to immediately commence the approved measures.

**Section 732.504 Selection of Plans or Reports for Full Review**

- a) The Agency shall select for full review a reasonable number of each type of plan or report. The number of plans or reports selected for full review shall be determined by the Agency based on the resources available to the Agency, the potential environmental impact at the site, the financial and technical complexity of the plan or report, and experience with prior reviews. To assure consistency and fairness in the selection process, the Agency shall follow a selection process that has the following goals:
- 1) A full technical and financial review of every "High Priority" corrective action plan, associated budget plan, and completion report submitted pursuant to Subpart D of this Part;
  - 2) A full technical and financial review of every corrective action plan, associated budget plan, and completion report submitted pursuant to Sections 732.300(b) or 732.400(c) of this Part;
  - 3) A full technical review of approximately 20% of the site classification reports submitted pursuant to Subpart C of this



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- 4) Site Classification Plans
  - A) A full technical review of any site classification plan (including physical soil classification and groundwater investigation plans) for which the associated site classification report was selected for full review or that has an associated budget plan exceeding the typical cost for such plans as determined by the Agency;
  - B) A full financial review of any site classification budget plan exceeding the typical cost for such plans as determined by the Agency;
- 5) "Low Priority" Groundwater Monitoring Plans
  - A) A full technical review of any "Low Priority" groundwater monitoring plan that has an associated budget plan exceeding the typical cost for such plans as determined by the Agency;
  - B) A full financial review of any "Low Priority" groundwater monitoring budget plan exceeding the typical cost for such plans as determined by the Agency;
- 6) A full technical review of any "Low Priority" annual groundwater sampling and analysis report or any groundwater monitoring completion report submitted pursuant to Subpart D of this Part;
- 7) A full technical review of any 20-day report, 45-day report, or free product report submitted pursuant to Subpart B of this Part in conjunction with the review of another plan or report selected in accordance with this Section.
- b) The Agency may conduct a full review of any plan or report not selected in accordance with the provisions of this Section if the Agency has reason to believe that such review is necessary in conjunction with the review of another plan or report selected for that site.
- c) Notwithstanding any other limitations on reviews, the Agency may conduct a full technical review on any plan or report identified in this Section that concerns a site for which an investigation has been or may be initiated pursuant to Section 732.105 of this Part.
- d) Agency decisions on whether or not to select a plan or report for full review shall not be subject to appeal.

**Section 732.505 Standards for Review of Plans or Reports**

- a) A full technical review shall consist of a detailed review of the steps proposed or completed to accomplish the goals of the plan and to achieve compliance with the Act and regulations. Items to be reviewed, if applicable, shall include, but not be limited to, number and placement of wells and borings, number and types of samples and analysis, results of sample analysis, and protocols to be followed in making determinations. The overall goal of the technical review for plans shall be to determine if the plan is sufficient to satisfy the requirements of the Act and regulations and has been prepared in accordance with generally accepted engineering practices. The overall

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goal of the technical review for reports shall be to determine if the plan has been fully implemented in accordance with generally accepted engineering practices, if the conclusions are consistent with the information obtained while implementing the plan, and if the requirements of the Act and regulations have been satisfied.

- b) If the Licensed Professional Engineer certifies that there is no evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, the Licensed Professional Engineer's certification to that effect shall be presumed correct unless the Agency's review reveals objective evidence to the contrary.
- c) A full financial review shall consist of a detailed review of the costs associated with each element necessary to accomplish the goals of the plan as required pursuant to the Act and regulations. Items to be reviewed shall include, but not be limited to, costs associated with any materials, activities or services that are included in the budget plan. The overall goal of the financial review shall be to assure that costs associated with materials, activities and services shall be reasonable, shall be consistent with the associated technical plan, shall be incurred in the performance of corrective action activities, and shall not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations.

## SUBPART F: PAYMENT OR REIMBURSEMENT

**Section 732.600 General**

The Agency shall have the authority to review any application for payment or reimbursement and to authorize payment or reimbursement from the Fund or such other funds as the legislature directs for corrective action activities conducted pursuant to the Act and this Part 732. For purposes of this Part and unless otherwise provided, the use of the word "payment" shall include reimbursement. The submittal and review of applications for payment and the authorization for payment shall be in accordance with the procedures set forth in the Act and this Subpart F.

**Section 732.601 Applications for Payment**

- a) An owner or operator seeking payment from the Fund shall submit to the Agency an application for payment on forms prescribed by the Agency or in a similar format containing the same information. The owner or operator may submit an application for partial payment or final payment for materials, activities or services contained in an approved budget plan. An application for payment also may be submitted for materials, activities or services for early action conducted pursuant



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to Subpart B of this Part and for which no budget plan is required.

- b) A complete application for payment shall consist of the following elements:

- 1) A certification from a Licensed Professional Engineer acknowledged by the owner or operator that the work performed has been in accordance with a technical plan approved by the Agency or by operation of law or, for early action activities, in accordance with Subpart B;
  - 2) A statement of the amount approved in the corresponding budget plan and the amount actually sought for payment along with a certified statement by the owner or operator that the amount so sought has been expended in conformance with the elements of a budget plan approved by the Agency or by operation of law;
  - 3) A copy of the OSGM eligibility and deductibility determination;
  - 4) Proof that approval of the payment requested will not exceed the limitations set forth in the Act and Section 732.604 of this Part;
  - 5) A federal taxpayer identification number and legal status disclosure certification;
  - 6) A Private Insurance Coverage form; and
  - 7) A Minority/Women's Business Usage form.
- c) Applications for payment shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.
- d) Applications for partial or final payment may be submitted no more frequently than once every 90 days.
- e) Except for applications for payment for costs of early action conducted pursuant to Subpart B of this Part, in no case shall the Agency review an application for payment unless there is an approved budget plan on file corresponding to the application for payment.
- f) In no case shall the Agency authorize payment to an owner or operator in an amount greater than the amount approved by the Agency or by operation of law in a corresponding budget plan. Revised cost estimates or increased costs resulting from revised procedures must be submitted to the Agency for review in accordance with Subpart E of this Part using amended budget plans in accordance with Sections 732.305(e) or 732.405(e) of this Part.

## Section 732.602 Review of Applications for Payment

- a) The Agency shall conduct a review of any application for payment submitted pursuant to this Part 732. Each application for payment shall be reviewed to determine whether the application contains all of the elements and supporting documentation required by Section 732.601(b) of this Part and whether the amounts sought for payment have been certified in accordance with Section 732.601(b)(2) of this Part as equal to or less than the amounts approved in the corresponding budget plan. Any action by the Agency pursuant to this

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subsection shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act.

- b) The Agency may conduct a full review of any application for payment:

- 1) If the amounts sought for payment exceed the amounts approved in the corresponding budget plan;
  - 2) If the Agency has reason to believe that the application for payment is fraudulent; or
  - 3) If the application for payment includes costs for early action activities conducted pursuant to Subpart B of this Part and either of the following circumstances exist:
    - A) The application for payment is solely for early action costs that have not been approved as part of a prior budget plan; or
    - B) The application for payment includes early action costs that have not been approved as part of a prior budget plan, except that only the portion of the application for the unapproved early action costs may be given a full review.
- c) When conducting a full review of any application for payment, the Agency may require the owner or operator to submit a full accounting supporting all claims as provided in subsection (d) below.
- d) A full review of an application for payment shall be sufficient to determine which line items contained in the application for payment have caused the application for payment to exceed the corresponding approved budget plan pursuant to subsection (b)(1) above, which line items, if any, are ineligible for payment pursuant to subsections (b)(2) or (b)(3) above, and whether there is sufficient documentation to demonstrate that line items have been completed in accordance with a plan approved by the Agency or by operation of law. A full review may include review of any or all elements and supporting documentation relied upon by the owner or operator in developing the application for payment, including but not limited to a review of invoices or receipts supporting all claims. The full review also may include the review of any plans or reports previously submitted for the site to ensure that the application for payment is consistent with work proposed and actually performed in conjunction with the site.
- e) Following a review, the Agency shall have the authority to approve, deny or require modification of applications for payment or portions thereof. The Agency shall notify the owner or operator in writing of its final action on any such application for payment. Except as provided in subsection (f) below, if the Agency fails to notify the owner or operator of its final action on an application for payment within 120 days after the receipt of a complete application for payment, the owner or operator may deem the application for payment approved by operation of law. If the Agency denies payment for an application for payment or for a portion thereof or requires modification, the written notification shall contain the following information, as applicable:
- 1) An explanation of the specific type of information, if any, that



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the Agency needs to complete the full review;

- 2) An explanation of the Sections of the Act or regulations that may be violated if the application for payment is approved; and
- 3) A statement of specific reasons why the cited Sections of the Act or regulations may be violated if the application for payment is approved.
- f) An owner or operator may waive the right to a final decision within 120 days after the submittal of a complete application for payment by submitting written notice to the Agency prior to the applicable deadline. Any waiver shall be for a minimum of 30 days.
- g) The Agency shall mail notices of final action on applications for payment by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.
- h) Any action by the Agency to deny payment for an application for payment or portion thereof or to require modification shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act. Any owner or operator may elect to incorporate modifications required by the Agency and shall do so by submitting a revised application for payment within 30 days after the receipt of the Agency's written notification. If no revised application for payment is submitted to the Agency or no appeal to the Board is filed within the specified timeframes, the application for payment shall be deemed approved as modified by the Agency and payment shall be authorized in the amount approved.

### Section 732.603 Authorization for Payment; Priority List

- a) Within 60 days after notification of an owner or operator that the application for payment or a portion thereof has been approved by the Agency or by operation of law, the Agency shall forward to the Office of the State Comptroller in accordance with subsection (c) or (d) below a voucher in the amount approved. If the owner or operator has filed an appeal with the Board of the Agency's final decision on an application for payment, the Agency shall have 60 days from the final resolution of the appeal to forward to the Office of the State Comptroller a voucher in the amount ordered as a result of the appeal. Notwithstanding the time limits imposed by this Section, the Agency shall not forward vouchers to the Office of the State Comptroller until sufficient funds are available to issue payment.
- b) Any deductible, as determined by the OSFM, shall be subtracted from any amount approved for payment by the Agency or by operation of law.
- c) For owners or operators who have deferred site classification or corrective action in accordance with Sections 732.306 or 732.406 of this Part, payment shall be authorized from funds encumbered pursuant to Sections 732.306(a)(4) or 732.406(a)(4) of this Part upon approval of the application for payment by the Agency or by operation of law.
- d) For owners or operators not electing to defer site classification or

corrective action in accordance with Sections 732.306 or 732.406 of this Part, the Agency shall form a priority list for the issuance of vouchers pursuant to subsection (a) above.

- 1) All such applications for payment shall be assigned a date that is the date upon which the complete application for partial or final payment was received by the Agency. This date shall determine the owner's or operator's priority for payment in accordance with subsection (d)(2) below, with the earliest dates receiving the highest priority.
- 2) Once payment is approved by the Agency or by operation of law or ordered by the Board or courts, the application for payment shall be assigned priority in accordance with subsection (d)(1) above. The assigned date shall be the only factor determining the priority for payment for those applications approved for payment.

### Section 732.604 Limitations on Total Payments

- a) Limitations per occurrence:
  - 1) The Agency shall not approve any payment from the fund to pay an owner or operator for costs of corrective action incurred by such owner or operator in an amount in excess of \$1,000,000 per occurrence. (Section 57.8(g) of the Act)
  - 2) The Agency shall not approve any payment from the fund to pay an owner or operator for costs of indemnification of such owner or operator in an amount in excess of \$1,000,000 per occurrence. (Section 57.8(g) of the Act)
- b) Aggregate limitations:
  - 1) Notwithstanding any other provision of this Part 732, the Agency shall not approve payment to an owner or operator from the fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois:
 

AMOUNT	NUMBER OF TANKS
\$1,200,000	FEWER THAN 101
\$2,000,000	101 OR MORE
  - 2) Costs incurred in excess of the aggregate amounts set forth in subsection (b)(1) above shall not be eligible for payment in subsequent years. (Section 57.8(d) of the Act)
- c) For purposes of subsection (b) of this Section, requests submitted by any of the agencies, departments, boards, committees or commissions of the State of Illinois shall be acted upon as claims from a single owner or operator. (Section 57.8(d) of the Act)
- d) For purposes of subsection (b) of this Section, owner or operator includes:
  - 1) any subsidiary, parent, or joint stock company of the owner or



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operator; and

- 2) any company owned by any parent, subsidiary, or joint stock company of the owner or operator. (Section 57.8(d) of the Act)

**Section 732.605 Eligible Costs**

- a) Types of costs that may be eligible for payment from the Fund include those for corrective action activities and for materials or services provided or performed in conjunction with corrective action activities. Such activities and services may include but are not limited to:

- 1) Early action activities conducted pursuant to Subpart B of this Part;
- 2) Engineering oversight services;
- 3) Remedial investigation and design;
- 4) Feasibility studies;
- 5) Laboratory services necessary to determine site classification and whether the established corrective action objectives have been met;
- 6) Installation and operation of groundwater investigation and groundwater monitoring wells;
- 7) The removal, treatment, transportation and disposal of soil contaminated by petroleum at levels in excess of the established corrective action objectives;
- 8) The removal, treatment, transportation and disposal of water contaminated by petroleum at levels in excess of the established corrective action objectives;
- 9) The placement of clean backfill to grade to replace excavated soil contaminated by petroleum at levels in excess of the established corrective action objectives;
- 10) Groundwater corrective action systems;
- 11) Alternative technology;
- 12) Recovery of free phase petroleum from groundwater;
- 13) The removal and disposal of any UST if a release of petroleum from the UST was identified and IEMA was notified prior to its removal;
- 14) Costs incurred as a result of a release of petroleum because of vandalism, theft or fraudulent activity by a party other than an owner, operator or agent of an owner or operator;
- 15) Engineering costs associated with seeking payment or reimbursement from the Fund including, but not limited to, completion of an application for partial or final payment;
- 16) Costs associated with obtaining an Eligibility and Deductibility Determination from the OSFM;
- 17) Costs for destruction and replacement of concrete, asphalt and paving to the extent necessary to conduct corrective action and if the destruction and replacement has been certified as necessary to the performance of corrective action by a Licensed Professional Engineer;

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- 18) The destruction or dismantling and reassembly of above grade structures in response to a release of petroleum if such activity has been certified as necessary to the performance of corrective action by a Licensed Professional Engineer. For purposes of this subsection, destruction, dismantling or reassembly of above grade structures does not include costs associated with replacement of pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies; and
- 19) Preparation of site classification plans (including physical soil classification and groundwater investigation plans) and associated budget plans, site classification reports, groundwater monitoring plans and associated budget plans, groundwater monitoring completion reports, "High Priority" corrective action plans and associated budget plans, and "High Priority" corrective action completion reports.
- b) An owner or operator may submit a budget plan or application for partial or final payment that includes an itemized accounting of costs associated with activities, materials or services not identified in subsection (a) above if the owner or operator submits detailed information demonstrating that the activities, materials or services not identified in subsection (a) above are essential to the completion of the minimum corrective action requirements of the Act and this Part 732.

**Section 732.606 Ineligible Costs**

Costs ineligible for payment from the Fund include but are not limited to:

- a) Costs for the removal of more than four feet of fill material from the outside dimensions of the UST during early action activities conducted pursuant to Section 732.202(f);
- b) Costs or losses resulting from business interruption;
- c) Costs incurred as a result of vandalism, theft or fraudulent activity by the owner or operator or agent of the owner or operator, including the creation of spills, leaks or releases;
- d) Costs associated with the replacement of above grade structures such as pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies, including but not limited to those structures destroyed or damaged during corrective action activities;
- e) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989 (Section 57.8(j) of the Act);
- f) Costs associated with the procurement of a generator identification number;
- g) Legal defense costs including legal costs for seeking payment under these regulations unless the owner or operator prevails before the Board and the Board authorizes payment of legal fees (Section 57.8(1) of the Act);
- h) Purchase costs of non-expendable materials, supplies, equipment or tools, except that a reasonable rate may be charged for the usage of such materials, supplies, equipment or tools;



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- accordance with Subpart C by owners or operators choosing, pursuant to Section 732.400(b) of this Part, to conduct remediation sufficient to satisfy the remediation objectives;
- bb) Costs of alternative technology that exceed the costs of conventional technology; and
- cc) Costs for investigative activities and related services or materials for developing a "High Priority" corrective action plan that are unnecessary or inconsistent with generally accepted engineering practices or unreasonable costs for justifiable activities, materials or services.

**Section 732.607 Payment for Handling Charges**

*Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(g) of the Act):*

SUBCONTRACT OR FIELD PURCHASE COST:	ELIGIBLE HANDLING CHARGES AS A PERCENTAGE OF COST:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 PLUS 10% OF AMOUNT OVER \$5,000
\$15,001 - \$50,000	\$1,600 PLUS 8% OF AMOUNT OVER \$15,000
\$50,001 - \$100,000	\$4,400 PLUS 5% OF AMOUNT OVER \$50,000
\$100,001 - \$1,000,000	\$6,900 PLUS 2% OF AMOUNT OVER \$100,000

**Section 732.608 Apportionment of Costs**

- a) The Agency may apportion payment of costs for corrective action plans for sites classified as High Priority if:
- 1) The owner or operator was deemed eligible to access the fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and
  - 2) The owner or operator failed to justify all costs attributable to each underground storage tank at the site. (Section 57.8(m) of the Act)
- b) Upon notification from the Agency of an apportionment of costs pursuant to this Section, the owner or operator shall within 30 days notify the Agency whether the apportionment shall be based upon the total number of all the USTs at the site or the total volume of all of the USTs at the site.

**Section 732.609 Subrogation of Rights**

*Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification for which the fund has compensated such owner, operator, or person from the person responsible or liable for the release. (Section 57.8(h) of the Act)*

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- i) Costs associated with activities that violate any provision of the Act or Board or Agency regulations;
- j) Costs associated with investigative action, preventive action, corrective action, or enforcement action taken by the State of Illinois if the owner or operator failed, without sufficient cause, to respond to a release or substantial threat of a release upon, or in accordance with, a notice issued by the Agency pursuant to Section 732.105 of this Part and Section 57.12 of the Act;
- k) Costs for removal, disposal or abandonment of a UST if the tank was removed or abandoned, or permitted for removal or abandonment, by the OSFM before the owner or operator provided notice to IEMA of a release of petroleum;
- l) Costs associated with the installation of new USTs and the repair of existing USTs;
- m) Costs exceeding those contained in a budget plan or amended budget plan approved by the Agency or by operation of law;
- n) Costs of corrective action or indemnification incurred before providing notification of the release of petroleum to IEMA in accordance with Section 732.202 of this Part;
- o) Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act;
- p) Costs associated with improperly installed sampling or monitoring wells;
- q) Costs associated with improperly collected, transported or analyzed laboratory samples;
- r) Costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives;
- s) Costs for any corrective activities, services or materials unless accompanied by a letter from OSFM confirming eligibility and deductibility in accordance with Section 57.9 of the Act;
- t) Interest or finance costs charged as direct costs;
- u) Insurance costs charged as direct costs;
- v) Indirect corrective action costs for personnel, materials, service or equipment charged as direct costs;
- w) Costs associated with the compaction and density testing of backfill material;
- x) Costs associated with sites that have not reported a release to IEMA or are not required to report a release to IEMA;
- y) Costs related to activities, materials or services not necessary to stop, minimize, eliminate, or clean up a release of petroleum or its effects in accordance with the minimum requirements of the Act and regulations;
- z) Costs incurred after completion of early action activities in accordance with Subpart B by owners or operators choosing, pursuant to Section 732.300(b) of this Part, to conduct remediation sufficient to satisfy the remediation objectives;
- aa) Costs incurred after completion of site classification activities in



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**Section 732.610 Indemnification**

- a) Upon submittal of a request for indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, the Agency shall review the application for payment in accordance with this Subpart F.
- b) If the application for payment of the costs of indemnification is deemed complete and otherwise satisfies all applicable requirements of this Subpart F, the Agency shall forward the request for indemnification to the Office of the Attorney General for review and approval in accordance with Section 57.8(c) of the Act. The owner or operator's request for indemnification shall not be placed on the priority list for payment until the Agency has received the written approval of the Attorney General. The approved application for payment shall then enter the priority list established at Section 732.603(d)(1) of this Part based on the date the complete application was received by the Agency in accordance with Section 57.8(c) of the Act.

**Section 732.611 Costs Covered by Insurance, Agreement or Court Order**

*Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment from the Fund. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. (Section 57.8(e) of the Act)*

**Section 732.612 Determination and Collection of Excess Payments**

- a) If, for any reason, the Agency determines that an excess payment has been paid from the Fund, the Agency may take steps to collect the excess amount pursuant to subsection (c) below.
  - 1) Upon identifying an excess payment, the Agency shall notify the owner or operator receiving the excess payment by certified or registered mail, return receipt requested.
  - 2) The notification letter shall state the amount of the excess payment and the basis for the Agency's determination that the payment is in error.
  - 3) The Agency's determination of an excess payment shall be subject to appeal to the Board in the manner provided for the review of permit decisions in Section 40 of the Act.
- b) An excess payment from the Fund includes, but is not limited to:
  - 1) Payment for a non-corrective action cost;
  - 2) Payment in excess of the limitations on payments set forth in Sections 732.604 and 732.607 of this Part;
  - 3) Payment received through fraudulent means;
  - 4) Payment calculated on the basis of an arithmetic error;

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- 5) Payment calculated by the Agency in reliance on incorrect information.
- c) Excess payments may be collected using any of the following procedures:
  - 1) Upon notification of the determination of an excess payment in accordance with subsection (a) above or pursuant to a Board order affirming such determination upon appeal, the Agency may attempt to negotiate a payment schedule with the owner or operator. Nothing in this subsection (c)(1) shall prohibit the Agency from exercising at any time its options at subsections (c)(2) or (c)(3) below or any other collection methods available to the Agency by law.
  - 2) If an owner or operator submits a subsequent claim for payment after previously receiving an excess payment from the Fund, the Agency may deduct the excess payment amount from any subsequently approved payment amount. If the amount subsequently approved is insufficient to recover the entire amount of the excess payment, the Agency may use the procedures in this Section or any other collection methods available to the Agency by law to collect the remainder.
  - 3) The Agency may deem an excess payment amount to be a claim or debt owed the Agency, and the Agency may use the Comptroller's Setoff System for collection of the claim or debt in accordance with Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05].



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## Section 732.APPENDIX A Indicator Contaminants

## TANK CONTENTS

## GASOLINE

leaded(1), unleaded, premium and  
gasohol

## INDICATOR CONTAMINANTS

benzene  
ethylbenzene  
toluene  
xylene

## MIDDLE DISTILLATE AND HEAVY ENDS

aviation turbine fuels(1)  
jet fuels

## diesel fuels

gas turbine fuel oils  
heating fuel oils  
illuminating oils  
kerosene

## lubricants

liquid asphalt and dust laying oils

## cable oils

crude oil, crude oil fractions

## petroleum feedstocks

## petroleum fractions

## heavy oils

## transformer oils(2)

## hydraulic fluids(3)

## petroleum spirits(4)

## mineral spirits(4), Stoddard

## solvents(4)

## high-flash aromatic naphthas(4)

## VM&amp;P naphthas(4)

## moderately volatile hydrocarbon

## solvents(4)

## petroleum extender oils(4)

## USED OIL

- (1) lead is also an indicator contaminant
- (2) the polychlorinated biphenyl parameters listed in Appendix B are also indicator contaminants
- (3) barium is also an indicator contaminant
- (4) the volatile, base/neutral and polynuclear aromatic parameters listed in Appendix B are also indicator contaminants
- (5) used oil indicator contaminants shall be based on the results of a used oil soil sample analysis - refer to 732.310(g)
- (6) acenaphthylene, benzo(g,h,i)perylene and phenanthrene

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## Section 732.APPENDIX B Groundwater and Soil Remediation Objectives; Acceptable Detection Limits (ADL) and Soil Remediation Methodology

## Section 732.TABLE A Groundwater and Soil Remediation Objectives

Parameters	Objectives	
	Soil (mg/kg)	ADLs(1) Groundwater (mg/L)      Soil (mg/kg)      Groundwater (mg/L)
<u>Volatiles</u>		
1. Benzene	0.005	
2. Bromoform	0.001	0.001
3. Carbon tetrachloride	0.005	
4. Chlorobenzene	0.1	
5. Chloroform	0.0002	0.0002
6. Dichlorobromomethane	0.0002	0.0002
7. 1,2-Dichloroethane	0.005	
8. 1,1-Dichloroethene	0.007	
9. cis-1,2-Dichloroethene	0.07	
10. trans-1,2-Dichloroethene	0.01	
11. Dichloromethane	0.005	
12. 1,2-Dichloropropane	0.005	
13. cis-1,3-Dichloropropene	0.001	0.001
14. trans-1,3-Dichloropropene	0.001	0.001
15. Ethylbenzene	0.7	
16. Styrene	0.1	
17. Tetrachloroethene	0.005	
18. Toluene	1.0	
19. 1,1,1-Trichloroethane	0.2	
20. 1,1,2-Trichloroethane	0.005	
21. Trichloroethene	0.005	
22. Vinyl chloride	0.002	
23. Xylenes (total)	10.0	
24. BETX (total)	11.705	
<u>Base/Neutrals</u>		
1. Bis(2-chloroethyl)ether	0.01	0.01
2. Bis(2-ethylhexyl)phthalate	0.006	0.006
3. 1,2-Dichlorobenzene	0.6	
4. 1,4-Dichlorobenzene	0.075	
5. Hexachlorobenzene	0.0005	0.0005
6. Hexachlorocyclopentadiene	0.05	
7. N-Nitrosodi-n-propylamine	0.01	0.01
8. N-Nitrosodiphenylamine	0.01	0.01
9. 1,2,4-Trichlorobenzene	0.07	
<u>Polynuclear Aromatics</u>		
1. Acenaphthene	0.42	
2. Anthracene	2.1	
3. Benzo(a)anthracene	0.00013	0.00013



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4. Benzo(a)pyrene	0.0002	0.00023	<p>* See 40 CFR 761.120, as incorporated by reference at Section 732.104, for USEPA "PCB Spill Cleanup Policy."</p> <p>(1) Acceptable Detection Limit - "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 and "Methods for the Determination of Organic Compounds in Drinking Water," EPA, EMSL, EPA-600/4-88/039, as incorporated by reference at Section 732.104 of this Part, must be used. For parameters where the specified objective is below the ADL, the ADL shall serve as the objective until the USEPA promulgates lower ADLs. When promulgated, the new USEPA ADL or the specified objective, whichever is higher, shall apply. For other parameters the ADL must be below the specified cleanup objective.</p> <p>(2) For soil, based upon the concentration determined by the Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) at 40 CFR 261, Appendix II, as incorporated by reference at Section 732.104 of this Part.</p>
5. Benzo(b)fluoranthene	0.00018	0.00018	
6. Benzo(k)fluoranthene	0.00017	0.00017	
7. Chrysene	0.0015	0.0015	
8. Dibenzo(a,h)anthracene	0.0003	0.0003	
9. Fluoranthene	0.28		
10. Fluorene	0.28		
11. Indeno(1,2,3-c,d)pyrene	0.00043	0.00043	
12. Naphthalene	0.00043	0.00043	
13. Pyrene	0.21		
14. other			
Non-Carcinogenic PNAs (total)			
Acenaphthylene			
Benzo(g,h,i)perylene			
Phenanthrene			
Metals(2)		0.0075	<p>0.0004</p>
1. Arsenic	0.05	0.05	
2. Barium	2.0	2.0	
3. Cadmium	0.005	0.005	
4. Chromium (total)	0.1	0.1	
5. Lead	0.0075	0.0075	
6. Mercury	0.002	0.002	
7. Selenium	0.05	0.05	
Acids			
1. Pentachlorophenol	0.001	0.001	
2. Phenol (total)	0.1		
3. 2,4,6-Trichlorophenol	0.0064	0.0064	
Pesticides			
1. Aldrin	0.00004	0.00004	
2. alpha-BHC	0.00003	0.00003	
3. Chlordane	0.002		
4. 4,4'-DDE	0.00004	0.00004	
5. 4,4'-DDD	0.00011	0.00011	
6. 4,4'-DDT	0.00012	0.00012	
7. Dieldrin	0.00002	0.00002	
8. Endrin			
9. Heptachlor	0.0004		
10. Heptachlor epoxide	0.0002		
11. Lindane (gamma-BHC)	0.0002		
12. Toxaphene	0.003		
Polychlorinated Biphenyls			<p>* 0.0005</p>
1. Polychlorinated Biphenyls (as Decachlorobiphenyl)			



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Section 732.TABLE B Soil Remediation Methodology: Model Parameter Values

PARAMETER	DEFINITION (UNIT)	MODEL VALUES
$S_d$	Source width (vertical plane) [cm]	304.8
$S_w$	Source width (horizontal plane) [cm]	609.6
$\alpha_L$	Longitudinal dispersivity [cm]	$0.1 * x$
$\alpha_T$	Transverse dispersivity [cm]	$\alpha_L/3$
$\alpha_v$	Vertical dispersivity [cm]	$\alpha_L/20$
$U$	Specific discharge ( $K_d i/\theta_v$ ) [cm/day]	0.346
$K_s$	Saturated hydraulic conductivity [cm/d]	86.4
$k_s$	Sorption coefficient [cm <sup>3</sup> -H <sub>2</sub> O/g-soil]	Chemical specific
$\theta_s$	Volumetric water content of saturated zone	0.25
$i$	Groundwater gradient [cm/cm]	0.001
$\lambda$	First order degradation constant [day <sup>-1</sup> ]	Chemical specific
$x$	Distance along the center line from edge of dissolved plume source zone [cm]	152-6096
$U_{pw}$	Groundwater Darcy Velocity [cm/year]	2500
$\delta_{pw}$	Groundwater mixing zone thickness [cm]	304.8
$\rho_s$	Soil bulk density [g/cm <sup>3</sup> ]	1.7
$\theta_m$	Volumetric air content in vadose zone soils [cm <sup>3</sup> - air/cm <sup>3</sup> - soil]	0.22
$\theta_{wm}$	Volumetric water content in vadose zone soils [cm <sup>3</sup> - water/cm <sup>3</sup> - soil]	0.12
$H$	Henry's Law constant [cm <sup>3</sup> - water/cm <sup>3</sup> - soil]	Chemical specific
$I$	Infiltration rate of water through soil [cm/year]	30
$W$	Width of source parallel to groundwater flow [cm]	1500

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Section 732.TABLE C Soil Remediation Methodology: Chemical Parameters

Chemical	Sorption Coefficient ( $k_s$ )	Degradation Constant ( $\lambda$ )	Henry's Law Constant (H)	Solubility (mg/l)	Ground water Objective (mg/l)
Benzene	0.38	0.0009	0.22	1750	0.005
Toluene	1.349	0.011	0.26	535	1.0
Ethyl Benzene	0.955	0.003	0.32	152	0.7
Xylene	2.399	0.0019	0.29	130	10.0
Naphthalene	12.88	0.0027	0.049	31.7	0.025
Benzo(a)pyrene	3890.45	0.0007	$1.49 \times 10^{-9}$	0.0012	0.0002



## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

## Section 732. TABLE D Soil Remediation Methodology: Objectives

## Section 732. ILLUSTRATION A Equation For Groundwater Transport

Distance (ft)	Chemical Name			
	Benzene	Toluene	Ethyl Benzene	Benzo(a) pyrene
	Soil Cleanup Objectives (mg/kg)			
5	0.005	1.0	0.7	10.0
10	0.005	11.010	0.7	10.0
15	0.005	13.943	0.7	10.0
20	0.005	13.943	0.7	10.0
25	0.005	13.943	1.507	10.0
30	0.005	13.943	2.908	10.0
35	0.005	13.943	2.908	10.0
40	0.005	13.943	2.908	10.0
45	0.005	13.943	2.908	10.0
50	0.005	13.943	2.908	10.0
55	0.005	13.943	2.908	10.0
60	0.005	13.943	2.908	10.0
65	0.007	13.943	2.908	10.0
70	0.010	13.943	2.908	10.0
75	0.015	13.943	2.908	10.0
80	0.020	13.943	2.908	10.0
85	0.028	13.943	2.908	10.0
90	0.038	13.943	2.908	10.0
95	0.051	13.943	2.908	10.0
100	0.069	13.943	2.908	10.0
105	0.091	13.943	2.908	10.0
110	0.120	13.943	2.908	10.0
115	0.157	13.943	2.908	10.0
120	0.205	13.943	2.908	10.0
125	0.265	13.943	2.908	10.0
130	0.341	13.943	2.908	10.0
135	0.436	13.943	2.908	10.0
140	0.555	13.943	2.908	10.0
145	0.704	13.943	2.908	10.0
150	0.888	13.943	2.908	10.0
155	1.115	13.943	2.908	10.0
160	1.395	13.943	2.908	10.0
165	1.738	13.943	2.908	10.0
170	2.157	13.943	2.908	10.0
175	2.668	13.943	2.908	10.0
180	3.289	13.943	2.908	10.0
185	4.042	13.943	2.908	10.0
190	4.950	13.943	2.908	10.0
195	6.046	13.943	2.908	10.0
200	7.362	13.943	2.908	10.0

The Board used the following correct ASTM equation for steady state attenuation of chemical concentration obtained from Domenico, P.A., "An Analytical Model for Multidimensional Transport of a Decaying Contaminant Species," *Journal of Hydrology*, Vol. 91, pp:49-58, 1987, as referenced in ASTM ES-38, ASTM Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites, approved May, 1994:

$$\frac{C(x)}{C_{down}} = \frac{\exp\left(\frac{x}{2\alpha_z}\right) \left(1 - \sqrt{1 + \frac{4\lambda\alpha_z}{U}}\right) \left[\operatorname{erf}\left(\frac{S_d}{4\sqrt{\alpha_z x}}\right)\right] \left[\operatorname{erf}\left(\frac{S_d}{4\sqrt{\alpha_z x}}\right)\right]}{1}$$

**C** = Dissolved hydrocarbon concentration along centerline of dissolved plume [ $\text{g}/\text{cm}^3\text{-H}_2\text{O}$ ]

**C<sub>down</sub>** = Dissolved hydrocarbon concentration in dissolved plume source area [ $\text{g}/\text{cm}^3\text{-H}_2\text{O}$ ]

**S<sub>d</sub>** = Source width (vertical plane) [cm]

**S<sub>v</sub>** = Source width (horizontal plane) [cm]

**$\alpha_z$**  = Longitudinal dispersivity [cm]

**$\alpha_y$**  = Transverse dispersivity [cm]

**$\alpha_x$**  = Vertical dispersivity [cm]

**U** =  $K_s/\theta$

**K<sub>s</sub>** = Saturated hydraulic conductivity [cm/d]

**$\theta$**  = Sorption coefficient

**$\theta_i$**  = Volumetric water content of saturated zone

**i** = Groundwater gradient [cm/cm]

**$\lambda$**  = First order degradation constant

**erf(x)** = Error function evaluated for value of x

**x** = Distance along the center line from edge of dissolved plume source zone [cm]



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## Section 732. ILLUSTRATION B Equation For Soil-Groundwater Relationship

The Board used the following equation drawn from the ASTM guide as referenced in Illustration A to calculate the soil leaching factor (identified as "Equation No. 4" in the Illinois Petroleum Marketers Association (IPMA) proposal discussed within the Board's Second Notice Opinion and Order, Docket R94-2(A), entitled "In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Pursuant to P.A. 88-496)"):

$$LF_{sw} = \frac{\left( \frac{mg/l - Water}{mg/kg - Soil} \right) \cdot \rho_s}{\left[ \theta_{sw} + k_p \rho_s + H \theta_s \right] \left( 1 + \frac{U_{sw} \delta}{TW} \right)} \cdot 10^6 \frac{cm^3 - kg}{L - g}$$

$LF_{sw}$  = Leaching factor

$k_s$  = Soil-water sorption coefficient

$U_{sw}$  = Groundwater Darcy Velocity [cm/sec]

$\delta_{sw}$  = Groundwater mixing zone thickness [cm]

$\rho_s$  = Soil bulk density

$\theta_{sw}$  = Volumetric air content in vadose zone soils

$\theta_s$  = Volumetric water content in vadose zone soils

$H$  = Henry's Law constant

$I$  = Infiltration rate of water through soil

$W$  = Width of source parallel to groundwater flow

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## Section 732. ILLUSTRATION C Equation For Calculating Groundwater Objectives at the Source

The Board used the following equation drawn from the IPMA proposal (see Illustration B) to calculate the groundwater objectives at the source:

$$GW_{source} = \frac{GW_{comp}}{(C(x)/C_{source})}$$

$GW_{source}$  = Groundwater objective at the source

$GW_{comp}$  = Groundwater objective at compliance point

$C(x)/C_{source}$  = Calculated for a distance of 5 to 200 feet using equation 1



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## Section 732. ILLUSTRATION D Equation For Calculating Soil Objectives at the Source

The Board used the following equation drawn from the IPMA proposal (see Illustration B) to calculate the soil remediation objectives:

$$\text{Soil Target} = \frac{GW_{\text{max}}}{(LF_{\text{soil}})SF}$$

Soil Target = Soil objective at the source

$LF_{\text{soil}}$  = Soil leaching factor calculated using equation 2

SF = Safety factor (1000)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Number: Adopted Action:

160.70 Amendment

4) Statutory Authority: (45 CFR 303.72, 45 CFR 303.102, 305 ILCS 5/10-17.3 and 305 ILCS 5/10-17.5)

5) Effective Date of Amendments: September 23, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 23, 1994

9) Notice of Proposal Published in Illinois Register: September 24, 1993 (17 Ill. Reg. 15229)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The text of Section 160.70 which was used as a base for these proposed amendments does not include amendments which were adopted at 18 Ill. Reg. 697, January 10, 1994. The Ill. Revised Statute citations and the Ill. Compiled Statute citations were updated when those amendments were adopted. In addition, in Section 160.70 (c)(11)(A), the phrase "subsection (c)(9) above" was changed to "Section 160.130" when those amendments were adopted. The text of the proposed amendments has been updated to reflect the amendments which were adopted at 18 Ill. Reg. 697, January 10, 1994. No other substantive changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?  
No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
160.12	New Section	September 23, 1994 (18 Ill. Reg. 14296)



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Sections	Proposed Action	Illinois Register Citation
160.75	Amendment	December 31, 1994 (18 Ill. Reg. 22269)
160.77	Amendment	August 19, 1994 (18 Ill. Reg. 12604)

- 15) Summary and Purpose of Amendments: The Department collects past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments. This rulemaking is necessary to improve the efficiency of Illinois' tax offset program. In order to ensure full client collection services, these amendments change the period within which a responsible relative's protest will effect a stay of submittal for offset from 30 days to 15 days. As a result of these amendments, a request for a redetermination made within 15 days from the date of mailing of the advance notice will stay the Department from submitting the past-due support amount for intercept.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna

Address: Bureau of Rules and Regulations  
 Illinois Department of Public Aid  
 100 South Grand Avenue East, Third Floor  
 Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

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TITLE 89: SOCIAL SERVICES  
 CHAPTER I: DEPARTMENT OF PUBLIC AID  
 SUBCHAPTER f: COLLECTIONS

## PART 160

## CHILD SUPPORT ENFORCEMENT

## SUBPART A: CHILD SUPPORT ENFORCEMENT

Section	Incorporation By Reference
160.1	Definitions
160.5	General Provisions
160.10	Application Processing Fee for IV-D Non-AFDC Cases
160.15	Assignment of Rights to Support
160.20	Recoupment
160.25	

## SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	Cooperation With Support Enforcement Program
160.30	Good Cause For Failure to Cooperate With Support Enforcement
160.35	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.40	Suspension of Child Support Enforcement Upon Finding of Good Cause
160.45	

## SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section	Establishment of Support Obligations
160.60	Modification of Support Obligations
160.65	

## SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section	Enforcement of Support Orders
160.70	Withholding of Income to Secure Payment of Support
160.75	Past Due Support Information to State Occupational Licensing Agencies
160.77	Amnesty - 20% Charge
160.80	Diligent Efforts to Serve Process
160.85	

## SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	Earmarking Child Support Payments
160.90	

## SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	Distribution Of Child Support For AFDC Recipients
160.100	



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- 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
- 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
- 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

## SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section  
160.140 Statement Of Child Support Account Activity

## SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- Section  
160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
- 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

**AUTHORITY:** Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, Att. X, 12-4.3 and 12-13].

**SOURCE:** Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16738, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15003, effective SEP 28 1994.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

## DEPARTMENT OF PUBLIC AID

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## Section 160.70 Enforcement of Support Orders

## a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

## b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1403) [735 ILCS 5/2-1403].

## c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (Ill. Rev. Stat. 1991, ch. 15, par. 210.05a) [15 ILCS 405/10.05a] due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:

- i) in IV-D AFDC and IV-E foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
- ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.

B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less; and
- ii) in inactive IV-D AFDC and IV-E foster care cases, past due support owed in any amount.
- iii) In cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.



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- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
  - A) the IV-D case name and identification number;
  - B) the past-due support amount which will be submitted for intercept;
  - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
    - i) a redetermination by the Department or, after such redetermination,
    - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and
  - D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 90 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
  - A) a hearing by the Department within 30 days from the date of mailing of the notice; or
  - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
  - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
  - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;

- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
  - A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
  - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:
  - A) amounts intercepted under this subsection will be applied in accordance with Section 160.130;
  - B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
  - 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
  - 2) The Department shall take the following action:
    - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
    - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
    - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
      - i) the amount of the income withholding order; or
      - ii) fifty percent (50%) of the Unemployment Insurance Benefit.
    - D) receive amounts deducted direct from DES.



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- E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
- F) post each collection to the Department's payment record.
- G) apply each collection to the current support obligation, then to past-due obligations.
- H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
  - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation; except as set forth in subsection (2) below.
  - 2) Contempt proceedings shall not be used in the following instances:
    - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
      - i) receiving public assistance;
      - ii) mentally or physically disabled;
      - iii) incarcerated;
      - iv) out-of-the-country;
      - v) deceased; or
      - vi) otherwise situated making such action unproductive.
    - B) other legal or administrative remedies are more appropriate under the circumstances.
  - 3) Contempt and other legal proceedings shall be used to:
    - A) establish the amount of past-due support;
    - B) obtain a judgment for purposes of:
      - i) imposition of a lien against real estate,
      - ii) levy upon real estate and personal property, or
      - iii) registration in another state;
    - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
    - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
    - E) obtain full or partial payment of past due support through

## incarceration;

- F) ascertain the responsible relative's source and amount of income or location and value of assets;
- G) secure other enforcement relief; and
- H) obtain any combination of the above.

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 9-6) [305 ILCS 5/9-6].

## f) Liens Against Real Estate and Personal Property

1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 12-101 et seq.) [735 ILCS 5/12-101 et seq.; Art. XII].

2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

- 'A) the past-due amount equals one year's support obligation under the order for support or \$2,000, whichever is less; and
- B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 12-101 et seq.) [735 ILCS 5/12-101 et seq.; Art. XII]).

4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 12-101 et seq.) [735 ILCS 5/12-101 et seq.; 5/Art. XII]) when the relative has a known equity which is not less than \$2,000 in excess of any statutory exemption.

g) Security, Bond or Other Guarantee of Payment



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- 1) Except as provided in subsections (2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 10-17.4) [305 ILCS 5/10-17.4].
- 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

## h) Past-Due Support Information to Consumer Reporting Agencies

- 1) The Department shall, upon request of consumer reporting agencies, provide the following information concerning the payment records of responsible relatives in IV-D cases to such agencies when the amount of past-due support exceeds \$1,000:
  - A) the name, last known address and Social Security Number of the responsible relative; and
  - B) the terms and amount of past-due support which has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 30 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
  - A) the IV-D case name and identification number;
  - B) the past-due support amount which will be reported;
  - C) the date past-due support will be reported; and
  - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

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- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
  - A) a request for
    - i) a redetermination, or
    - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
  - B) payment in full of the amount of the past-due support stated in the
    - i) advance notice, or
    - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- i) Other Remedies
 

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 18 Ill. Reg. 15083, effective SEP 23 1994 )



## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

## NOTICE OF ADOPTED AMENDMENTS

1)	<u>Heading of the Part:</u>	Savings Bank Act
2)	<u>Code Citation:</u>	38 Ill. Adm. Code 1075
3)	<u>Section number</u>	<u>Adopted Action</u>
	1075.1100	Amendment
	1075.1105	Repealed, New
	1075.1110	Repealed, New
	1075.1115	Repealed, New
	1075.1120	Repealed, New
	1075.1125	Repealed
	1075.1130	Repealed
	1075.1135	Repealed
	1075.1140	Repealed
	1075.1145	Repealed
	1075.1150	Repealed
	1075.1155	Repealed
	1075.1160	Repealed
	1075.1165	Repealed
	1075.1170	Repealed
	1075.1175	Repealed
	1075.1180	Repealed
	1075.1185	Repealed
	1075.1190	Repealed
	1075.1195	Repealed
	1075.1200	Repealed
	1075.1205	Repealed
	1075.1210	Amendment
	1075.1215	Amendment
	1075.1220	Amendment
	1075.1225	Repealed, New
	1075.1230	Amendment
	1075.1235	Amendment
	1075.1240	Amendment
	1075.1245	Amendment
	1075.1270	Amendment
	1075.1275	Repealed, New
	1075.1285	Amendment
	1075.1290	Amendment
	1075.1295	Amendment
	1075.1305	Amendment
	1075.1310	Amendment
	1075.1315	Amendment
	1075.1330	New Section
	1075.2175	New Section

4) Statutory Authority: Implemented and authorized by the Savings Bank Act (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205].

## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

## NOTICE OF ADOPTED AMENDMENTS

- 5) Effective date of Amendments: September 26, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these proposed amendments contain incorporations by reference? The amendments require stock offerings for mutual holding company stock subsidiaries and for mutual holding company conversions to stock holding company to be carried out pursuant to the Commissioner's mutual to stock conversion regulations at Subpart O of the Commissioner's Rules (Sections 1075.1800 through 1075.2580).
- 8) Date filed in Agency's principal office? June 17, 1994
- 9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 9858, July 1, 1994
- 10) Has JCARR issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version:  

Section 1075.1100: changed language from, "This Subpart" to "Subpart J of this Part", and "25%" to "25 percent", as currently on file.

Section 1075.1105: in the definition of "Books of records", changed "wherein" to "means where", added a comma after "etc."; and deleted the comma after "corporation" in the definition of "Company".

Section 1075.1110: inserted at the end of subsection (b), before the period, "as being in accordance with applicable law"; and in subsection (c) changed "bylaws; and when", to "by-laws. When".

Section 1075.1115: deleted the comma after the citation in subsection (c).

Section 1075.1120: deleted the opening parentheses in the subsection labels; added the word "the" in line two; and added to the end of subsection (g), after the semi-colon, "the Commissioner shall concur with an amendment or termination under this Section unless he or she finds that to do so would be inequitable to members or injurious to a savings bank;".

Section 1075.1215: in subsection (a), returned the word "be" in the phrase, "as evidence of ceasing to be"; and in subsection (b), changed stricken language "savings and loan savings bank" to "savings and loan association", as currently on file.

Section 1075.1220: in subsection (c)(2), deleted comma and changed "rules or regulations" to "or rules", as currently on file; and in subsection (c)(3), changed "not" to "no".



## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Section 1075.1225: in subsection (b), added a comma after "savings bank", replaced "above" with "of this Section", added a comma after "company", deleted "below," and changed "Part" to "Section"; in subsection (b)(1), changed "bank" to "banks"; in subsection (b)(4), changed apostrophe to a quote mark after the term "total offering"; in subsection (b)(7), changed "Subsection (a), above" to "subsection (a) of this Section"; at the end of subsection (b)(8), replaced "; and" with a period; in subsection (c), capitalized the first word, "to", and changed the semicolon to a period at the end of the subsection; and in subsection (d), capitalized the first word, "the".

Section 1075.1240: in subsection (b), changed "Board of Directors" to "board of directors"; and, at the end of subsections (c)(1) and (2), inserted a colon before the word, "and" and deleted the colon after the word, "or".

Section 1075.1245: underlined the semi-colon prior to the word, "notwithstanding", and added a comma after the word, "finds" and inserted the phrase, "upon review of relevant law and facts,".

Section 1075.1270: in subsections (a)(2) and (3), deleted the opening word, "may"; in subsection (b), deleted the comma after "Commissioner"; in subsection (c), changed "A holding company" to "Each holding company", as currently on file; and, added a new subsection, "(d) The Commissioner shall approve a transaction contemplated by this Section upon finding that the transaction complies with applicable law, has received necessary approvals under federal law, and is not inequitable to members of injurious to a savings bank."

Section 1075.1275: in subsection (a), deleted the comma after the word, "On"; in subsection (b)(1), added the word, "account" after "liquidation"; in subsection (c), deleted the word, "either"; and in subsection (c)(2), deleted the comma after the word, "dividend".

Section 1075.1285: changed stricken dates in citations from "1987" to "1989", as currently on file, added brackets around ILCS citations and deleted, "/1.01 et seq.)" and "/1 et seq.)".

Section 1075.1290: changed stricken language, "of this Section of this Part" to "of this Section", as currently on file.

Section 1075.1310: in subsection (e), changed "an savings bank" to "a savings bank", deleted the comma after the word, "or", and changed "1% to "1 percent", as currently on file.

Section 1075.1330: added between "Commissioner," and "a", the phrase, "upon a finding by the Commissioner that the conversion complies with applicable law, has received necessary approvals under federal law, and is not inequitable to members or injurious to a savings bank,".

## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

## NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? Yes, Section 1075.2175 was added as an emergency rule at 18 Ill. Reg. 7016, effective April 22, 1994.

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s):

Sections 1075.1100 through 1075.1330 constitute the Commissioner's regulations for Illinois savings bank holding companies, both stock holding companies and mutual holding companies (Subpart J). The proposed amendments to this Subpart would serve to: clarify the applicability of the regulations generally and clarify which requirements apply to stock holding companies and which to mutual holding companies; specify the procedures and requirements for reorganizing a mutual savings bank into a mutual holding company with a stock savings bank subsidiary(ies), including procedures and requirements for offering stock in the stock subsidiary(ies); specify the type of institutions that a mutual holding company may merge with or acquire and the procedures and requirements for doing so; and specify the procedures and requirements for converting a mutual holding company to a stock holding company, including the procedures and requirements for offering stock in the stock holding company.

Section 1075.2175: on June 7, 1993, rules promulgated under the authority of the Savings Bank Act were amended to include Subpart O: Conversion of Mutual Savings Bank to Capital Stock Savings Bank. The proposed amendment to Section 1075.2175 is to clarify existing authority to form a holding company in conjunction with a mutual to stock conversion.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jay R. Stevenson, Deputy Commissioner  
Office of the Commissioner of Savings and  
Residential Finance  
500 East Monroe, Suite 800  
Springfield, Illinois 62701-1509  
Telephone: (217) 782-6169

The full text of the Adopted Amendments begins on the next page.



## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

## NOTICE OF ADOPTED AMENDMENTS

CHAPTER VIII: FINANCIAL INSTITUTIONS  
TITLE 38: FINANCIAL INSTITUTIONS  
COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

PART 1075  
SAVINGS BANK ACT

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## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

## NOTICE OF ADOPTED AMENDMENTS

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## COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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## NOTICE OF ADOPTED AMENDMENTS

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AUTHORITY: Implementing and authorized by the Savings Bank Act (Ill. Rev. Stat. 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205].

SOURCE: Emergency Rules Adopted 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective SEP 26 1994.

SUBPART J: SAVINGS BANK HOLDING COMPANIES

## Section 1075.1100 Applicability

a) Subpart J of this Part shall apply to all stock holding companies.



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~~mutual holding companies~~ or savings banks that directly or indirectly own or control or seek to own or control 25 % percent or more of the voting shares or rights of any insured institution in any manner ~~except where~~ and to mutual holding companies and mutual savings banks reorganizing as mutual holding companies. This Subpart does not apply when such ownership arises in the regular course of business as set forth in Section 2001.05 of the Act.

- b) Except with the permission of the Commissioner and the Federal Reserve Board ("FRB"), no company shall become a savings bank holding company ~~with the power to hold or vote, directly or indirectly, 25 percent or more of the voting stock of one or more institution.~~

(Source: Amended ~~SEP 16 1994~~ 18 Ill. Reg. 15094, effective ~~SEP 16 1994~~)

## Section 1075.1105 Plain-Meaning/Strict-Interpretation Definitions

~~As used in this Part, unless the context indicates otherwise, all words shall have their plain meaning, and as used in this Part, all regulations in this Part shall be subject to strict interpretation.~~

"Acquiree savings bank" means any subsidiary savings bank, other than a resulting savings bank, that is acquired by a mutual holding company as part of, and concurrently with, a mutual holding company reorganization and is in mutual form immediately prior to such acquisition.

"Affiliate" means any company that controls, is controlled by, or is under common control with a person.

"Assets" means the total assets of the savings bank minus goodwill and any other intangible assets, including but not limited to, purchased deposit base and branch network, and leasehold improvements net of accumulated depreciation.

"Books of records" means where the original accounting entries are recorded, presented, etc., and maintained as a part of an accounting number finally presented in the financial statements of an entity. Examples include: check registers, loan registers, cash disbursements ledgers, capital asset ledgers, general ledgers, working trial balances.

"Capital stock" includes permanent stock, guaranty stock, permanent reserve stock, any similar certificate evidencing non-withdrawable capital, preferred stock, or convertible preferred stock of a savings bank created or acquired under this Subpart or of a subsidiary institution or holding company.

"Charter" includes articles of incorporation, articles of

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reincorporation, or any similar instrument, as amended, effecting (either with or without filing with any government agency) the organization or creation of an incorporated or unincorporated person.

"Company" means a corporation or partnership, a savings bank, a joint stock company, a trust or an unincorporated organization.

"Control" is defined as it is in Section 1007.35 of the Act.

"Eligible account holder" means any person holding a qualifying deposit as of a given date.

"Eligibility record date" shall mean the record date for determining eligible account holders of an institution.

"Employee" does not include a director or an officer.

"Equity security" means any stock or similar security or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such security, or any such warrant or right.

"Insured institution" shall, for purposes of this Subpart, include any institution with accounts insured by the Federal Deposit Insurance Corporation (FDIC).

"Member" means any person qualifying as a member of an insured institution pursuant to its charter or bylaws.

"Mutual savings bank" means a mutual savings bank organized and operating under the Act.

"Net worth" means the aggregate of capital stock accounts, capital surplus and retained earnings accounts and all other reserve accounts except valuation reserves and specific reserves which are in the nature of valuation reserves.

"Person" means an individual, a company, or a government or political subdivision thereof.

"Pre-existing depository institution" means a subsidiary depository institution that is not an acquiree savings bank, a resulting savings bank or a savings bank or bank, in mutual form when acquired.

"Purchase" and "Buy" include every contract to purchase, buy, or otherwise acquire a security or interest in a security for value.

"Qualifying deposit" means a deposit determined pursuant to Section 1075.1935 of this Part.



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"Reorganizing savings bank" means a mutual savings bank that proposes to reorganize to become a mutual holding company pursuant to this Subpart.

"Resulting savings bank" means a savings bank in stock form that is organized as a subsidiary of a reorganizing savings bank to receive the substantial portion of the assets, all the insured deposits, and part or all of the other liabilities of the reorganizing savings bank.

"Sale" and "Sell" include every contract to sell or otherwise dispose of a security or interest in a security for value; but these terms do not include an exchange of securities in connection with a merger or acquisition approved by the Commissioner.

"Security" includes any stock, note, treasury stock, bond, debenture, transferable share, investment contract, voting trust certificate, or, in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant, or right to subscribe to or purchase any of the foregoing.

"Source documents" means documents which record the transaction of a business event, such as a sale of inventory, a purchase of a capital asset, establishment of a debt, or receipt of goods ordered. Typical source documents include sales invoices, bills of sale, purchase orders, and delivery tickets. Periodic invoices and statements of account are also examples of source documents.

"Stock" means common or preferred stock, or any other type of equity security, including (without limitation) warrants or options to acquire common or preferred stock, or other securities that are convertible into common or preferred stock.

"Subsidiary" of a specified person is an affiliate company controlled by the person, directly or indirectly through one or more intermediaries.

(Source: Section 1075.1105 repealed, new Section added at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1110 Affiliate Mutual Holding Company Reorganizations

An affiliate of, or a person affiliated with, a specific person, is a person that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified:

A mutual savings bank may reorganize to become a mutual holding company, or join in a mutual holding company reorganization or thereafter as an acquiree savings bank or a pre-existing depository institution, only upon satisfaction

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of the following conditions:

a) A Reorganization Plan is approved by a majority of the board of directors of the reorganizing savings bank and any acquiree savings bank or pre-existing depository institution.

b) A Reorganization Notice is filed with the Commissioner and the Commissioner has given written notice of its approval of the proposed reorganization as being in accordance with applicable law.

c) The Reorganization Plan is submitted to the members of the reorganizing savings bank and any acquiree pursuant to a proxy statement cleared in advance by the Commissioner and such Reorganization Plan is approved by two-thirds of the total votes of the members of each savings bank eligible to be cast at a meeting held at the call of each savings bank's directors in accordance with the procedures prescribed by each savings bank's charter and bylaws. When the Reorganization Plan involves acquiring a pre-existing depository institution, the Plan is submitted to the stockholders of the pre-existing depository institution and is approved by the majority of the total votes of the shareholders eligible to be cast at a meeting held at the call of the institution's directors in accordance with the institution's charter and bylaws.

d) All necessary regulatory approvals have been obtained and all requirements of this Subpart are met.

(Source: Section 1075.1110 repealed, new Section added at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1115 Assets Prohibition Against Approval of Certain Applications for Reorganization

Assets of a savings bank means the total assets of the savings bank minus goodwill and any other intangible assets, including but not limited to purchased deposit base and branch network, and leasehold improvements, net of accumulated depreciation.

No application for reorganization may be approved by the Commissioner if:

a) The plan of reorganization adopted by the applicant's board of directors is not in accordance with this Subpart;

b) The reorganization reasonably could be expected to result in a resulting or acquiree savings bank or pre-existing depository institution with capital below requirements established by the Commissioner and by Federal law;

c) The reorganization results in a taxable reorganization under the United States Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) and the Commissioner upon a written finding determines that the reorganization will endanger the safety and soundness of a resulting or acquiree or preexisting savings bank; or

d) A resulting savings bank does not secure insurance of its deposit accounts backed by the full faith and credit of the United States government before reorganization.



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(Source: Section 1075.1115 repealed, new Section added at 18 Ill. Reg. 18094, effective SEP 26 1994)

Section 1075.1120 Books-of-Record Contents of Reorganization Plans

~~Books--or--records--wherein--the--original--accounting--entries--are--recorded--presented--etc--and--maintained--as--a--part--of--an--accounting--number--finally presented--in--the--financial--statements--of--an--entity--Examples--include--check registers--loan--registers--cash--disbursements--ledgers--capital--asset--ledgers--general--ledgers--working--trial--balances--~~

Each Reorganization Plan shall contain a complete description of all the significant terms of the proposed reorganization, shall attach and incorporate any Stock Issuance Plan proposed in connection with the Reorganization Plan, and shall:

- a) Provide for amendment of the charter and bylaws of the reorganizing savings bank in accordance with this Subpart and attach and incorporate such charter and bylaws;
- b) Provide for the incorporation and organization of the resulting savings bank in accordance with this Subpart and attach and incorporate all required material;
- c) Provide for amendment of the charter and bylaws of any acquire savings bank to read in the form of the charter and bylaws of a stock savings bank and attach and incorporate such charter and bylaws;
- d) Provide for the transfer of assets and liabilities pursuant to Section 2007(a)(2) of the Act and this Subpart from the reorganizing savings bank to the resulting savings bank;
- e) Provide that all assets, rights, obligations, and liabilities of whatever nature of the reorganizing savings bank that are not expressly retained by the mutual holding company shall be deemed transferred to the resulting savings bank;
- f) Provide that each depositor in the reorganizing savings bank, any acquire savings bank, or any pre-existing depository institution immediately prior to the reorganization shall upon consummation of the reorganization receive without payment, an identical account in the resulting savings bank or the acquire savings bank, as the case may be (appropriate modifications shall be made to this provision if a merger is a part of the reorganization);
- g) Provide that the Reorganization Plan as adopted by the boards of directors of the reorganizing savings bank, any acquire savings bank and any pre-existing depository institution may be substantively amended by those boards of directors as a result of comments from regulatory authorities or otherwise prior to the solicitation of proxies from the members of the reorganizing savings bank and any acquire savings bank or stockholders of any pre-existing depository institution to vote on the Reorganization Plan and at any time thereafter with the concurrence of the Commissioner; and that the reorganization may be terminated by the board of directors of the reorganizing savings bank, any acquire savings bank or any

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~~pre-existing depository institution at any time prior to the meeting of the members or stockholders called to consider the Reorganization Plan and at any time thereafter with the concurrence of the Commissioner; the Commissioner shall concur with an amendment or termination under this Section unless he or she finds that to do so would be inequitable to members or injurious to a savings bank; Provide that the Reorganization Plan shall be terminated if not completed within a specified period of time. The time period shall not be more than 24 months from the date upon which the members of the reorganizing savings bank or the date upon which the members of any acquire savings bank, or stockholder of any pre-existing depository institution, whichever is earlier, approve the Reorganization Plan and may not be extended by the reorganizing or acquire savings bank or the pre-existing depository institution; and~~

i) Provide that the expenses incurred in connection with the reorganization shall be reasonable.

(Source: Section 1075.1120 repealed, new Section added at 18 Ill. Reg. 18094, effective SEP 26 1994)

Section 1075.1125 Capital Stock (Repealed)

~~The--term--"capital--stock"--includes--common--stock--guaranty--stock--permanent reserve--stock--or--any--similar--certificate--evidencing--non-withdrawable--capital--~~

(Source: Repealed at 18 Ill. Reg. 18094, effective SEP 26 1994)

Section 1075.1130 Charter (Repealed)

~~The--term--"charter"--includes--Articles--of--incorporation--articles--of--association--or--any--similar--instrument--as--amended--effecting--either--with--or--without--filing with--any--government--agency--the--organization--or--creation--of--an--incorporated--or--unincorporated--person--~~

(Source: Repealed at 18 Ill. Reg. 18094, effective SEP 26 1994)

Section 1075.1135 Control (Repealed)

~~The--term--"control"--(including--the--terms--"controlling"--"controlled--by"--and "under--common--control--with"--means--to--have--direct--or--indirect--the--power--to direct--or--cause--the--direction--of--the--management--and--policies--of--a--person whether--through--the--ownership--of--voting--securities--by--contract--or--otherwise--~~

(Source: Repealed at 18 Ill. Reg. 18094, effective SEP 26 1994)

Section 1075.1140 Eligible Account Holder (Repealed)



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The term "eligible--account--holder"--means--any--person--holding--a--qualifying deposit--as--of--a--given--date

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1145 Eligibility Record Date (Repealed)

"Eligibility--record--date"--shall--mean--the--record--date--for--determining--eligible account--holders--of--an--institution

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1150 Employee (Repealed)

The term "employee"--does--not--include--an--officer--or--a--director

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1160 Insured Institution (Repealed)

For purposes of this Part, the term "insured--institution"--shall--include--any institution--with--accounts--insured--by--the--Federal--Deposit--Insurance--Corporation ("FDIC")

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1165 Member (Repealed)

The term "member"--means--any--person--qualifying--as--a--member--of--an--insured institution--pursuant--to--its--charter--or--bylaws

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1170 Net Worth (Repealed)

The term "net--worth"--means--the--aggregate--of--capital--stock--accounts--capital surplus--and--retained--earnings--accounts--and--all--other--reserve--accounts--except valuation--reserves--and--specific--reserves--which--are--in--the--nature--of--valuation reserves

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1175 Officer (Repealed)

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The term "officer"--means--the--chairman--of--the--board--president--vice--president--secretary--treasurer--or--principal--financial--officer--comptroller--or--principal accounting--officer--and--any--other--person--performing--similar--functions--with respect--to--any--organization--whether--incorporated--or--unincorporated

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1180 Person (Repealed)

The term "person"--shall--mean--an--individual--a--corporation--a--partnership--an association--a--joint--stock--company--a--trust--any--incorporated--organization whether--incorporated--or--unincorporated

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1185 Qualifying Deposit (Repealed)

The term "qualifying deposit"--shall--be--the--total--of--the--deposit--balances--in--the eligible--account--holders--savings--accounts--as--of--the--close--of--business--on--the eligibility--record--date. However, the Plan of Conversion may provide that any savings account with total deposit balances of less than \$50,000 (or any lesser amount) shall not constitute a qualifying deposit

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1190 Sale (Repealed)

The term "sale" and "sell"--includes--every--contract--to--sell--or--otherwise dispose--of--a--security--or--interest--in--a--security--for--value--but--such--terms--do not--include--an--exchange--of--securities--in--connection--with--a--merger--or acquisition--approved--by--the--Commissioner--or--the--PBIF

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1195 Security (Repealed)

The term "security"--includes--any--stock--note--treasury--stock--bond--debenture transferable share--investment--contract--voting--trust--certificate--or--in general--any--instrument--commonly--known--as--a--"security", or any certificate of interest--or--participation--in--temporary--on--interim--certificate--for--receipt for--or--warranty--or--right--to--subscribe--to--or--purchase--any--of--the--foregoing

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)



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## Section 1075.1200 Source Documents (Repealed)

~~The term "source documents" means documents which record the transaction of a business event, such as a sale of inventory, a purchase of a capital asset, establishment of a debt, or receipt of goods ordered. Typical source documents include sales invoices, bills of sale, purchase orders, and delivery tickets. Periodic invoices and statements of account are also examples of source documents.~~

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1205 Subsidiary (Repealed)

~~A "subsidiary" of a specified person is an affiliate controlled by such person, directly or indirectly through one or more intermediaries.~~

(Source: Repealed at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1210 Liquidation Account and Proxies

- a) Each mutual savings bank converting to form a holding company must establish a "liquidation account" for members of the mutual savings bank before conversion. The total amount allocated to the liquidation account shall be equivalent to the amount of stock issued to the holding company by the stock subsidiary upon infusion of assets and liabilities to the stock subsidiary.
- b) Each member of the liquidation account who maintains an account in the stock subsidiary savings bank(s) shall be entitled, upon liquidation of the mutual holding company, to a fractional share of the value of the mutual holding company. The numerator of the fractional share shall be the amount of qualifying deposits in the member's account on the record eligibility date, which date shall be set by the board of directors in their Plan of Conversion and/or application to form a mutual holding company, and/or the supplemental eligibility record date and the denominator of the fractional share shall be the total amount of qualifying deposits of all eligible and supplemental eligible account holders in the converting mutual savings bank on the eligibility record date. Any plan to liquidate the mutual holding company must be approved by the Commissioner and must satisfy all claims of creditors, including liquidation account holders. Any remaining value in the mutual holding company shall be transferred to the capital accounts of the subsidiary stock savings bank(s).
- c) All proxies previously executed and assigned by members of the mutual savings bank converting to form a holding company shall remain valid and effective without impairment as long as the member maintains an account in the new stock savings bank.
- d) A liquidation account need not be established under this Section if

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one is established under Section 1075.1225 and Subpart O of this Part.

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1215 Mutual Holding Company Ceasing to be a Depository Institution

- a) Each mutual savings bank which converts to holding company status in conjunction with the chartering of a stock subsidiary shall be issued a "restated or amended charter" as a mutual ~~trust~~ holding company by the Commissioner and the directors shall either return the original charter, insurance undertakings and certificate of insurance to the issuing authority, as evidence of ceasing to be an insured depository institution--~~these items~~ or may be transferred transfer them to the stock subsidiary with permission of the Commissioner. Such permission shall be given upon successful completion of an examination to assure conformance with regulatory and statutory requirements.
- b) Upon the issuance of the charter as of a mutual stock savings bank by the Commissioner, a mutual holding company shall cease to be a savings bank--~~trust, savings and loan association, or depository institution of any type.~~

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1220 Directors of a Mutual Holding Company

- a) Each new board of directors for the mutual holding company shall be selected by vote of members, in a process to be determined by the bylaws of each entity.
- b) Each board of directors shall have at least five (5) members.
- c) Sections 4008, 4009, 4010, and Article 11 of The Act shall apply to a mutual holding company with regard to directors' vacancies, directors' attendance at meetings, qualifications to be a director, enforcement powers, and similar matters, except that the mutual holding company may file a written request for waiver of compliance with any provision with the Commissioner. Such request must provide detailed discussion of the grounds for such request. In determining whether to grant a waiver of compliance, the Commissioner shall consider the following factors, including, but not limited to:
  - 1) where applications of those provision to mutual holding companies would be inappropriate because the provisions where drafted for savings and loans banks;
  - 2) where a mutual holding company and its subsidiary meet or exceed all applicable capital requirements and are not in violation of any statutes or rules;
  - 3) where there are no current contested or regulatory matters; and
  - 4) where waiver would work undue hardship or result in undue



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advantage or risk, prejudicing a situation currently or in the future.

d) Upon creation of the ~~stock--subsidiary~~ resulting savings bank, the board of directors of the ~~original-mutual~~ reorganizing savings bank shall nominate a board of directors for the ~~stock-subsubsidiary~~ resulting savings bank.

e) A mutual holding company may provide for cumulative voting for directors in its bylaws.

(Source: Amended at 18 Ill. Reg. 18094, effective SEP 26 1994)

Section 1075.1225 ~~Stock-Sales~~ Stock Issuance Plan

~~At least 51 percent of the stock issued by the subsidiary--stock--savings--bank must be owned by the holding company.~~ If the reorganizing savings bank shall offer stock to any party other than the mutual holding company, it shall submit a stock issuance plan which shall meet the following conditions:

a) At all times, a mutual holding company shall own and control more than 50% of each class of common stock and more than 50% of the capital stock in the aggregate, issued by the resulting savings bank, any acquiree savings bank, or any savings bank, in the mutual form when acquired. The foregoing restriction shall not apply to an acquisition by a mutual holding company of a pre-existing depository institution.

b) Any capital stock issued and offered for sale by a subsidiary savings bank as described in subsection (a) of this Section, to persons other than the mutual holding company, shall be offered in accordance with Subpart O of this Part, but subject to subsection (d) of this Part except that:

- 1) the words "mutual savings bank" shall refer to resulting savings banks or acquiree savings banks;
- 2) references to conversion from mutual to stock form shall refer to mutual holding company reorganization;
- 3) the words "plan of conversion" shall refer to the Reorganization Plan;
- 4) the words "total offering", and "offering" shall refer to the minority portion of the capital stock issuance that may be offered and purchased by persons other than the mutual holding company;

5) Sections 1075.1990 and 1075.2170 of this Part shall not apply;

6) At Section 1075.2110 of this Part, the reference to Section 1075.2160 of this Part shall not apply and the words "converted savings bank" shall refer to the resulting stock savings bank;

7) Nothing in Section 1075.2150 of this Part shall interfere with the requirements of subsection (a) of this Section; and

8) At Section 1075.1950 of this Part, receipt of a liquidation distribution from the liquidation account shall be in the event of a complete liquidation of the mutual holding company rather than the converted savings bank.

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c) to the extent the pricing materials submitted pursuant to Subpart O of this Part include any discount due to the minority status of the stock to be offered, the materials must indicate the amount of the discount and how that amount was determined. Furthermore, if the plan calls for a waiver of dividends for the shares owned by the mutual holding company, the materials should indicate whether this waiver results in an ability to pay higher dividends to minority shareholders and, if so, why the discount is nonetheless warranted.

d) The Commissioner may waive a requirement of Subpart O of this Part upon a finding that such waiver would not work an injury on the mutual holding company or its subsidiaries, that it would be inequitable to members and eligible account holders, that the reorganization, if the waiver is granted, provides protections and opportunities equivalent to those that would exist if no waiver were granted, and that no other course of action that fully complies with Subpart O of this Part and this Subpart exists.

(Section: Section 1075.1225 repealed, new Section added at 18 Ill. Reg. 18094, effective SEP 26 1994)

## Section 1075.1230 Stock of a Subsidiary of a Mutual Holding Company

a) ~~the--stock--subsidiary~~ A resulting savings bank shall issue shares to the holding company only after sufficient assets to match transferred deposit liabilities are transferred to the ~~subsidiary~~ resulting savings bank and, if applicable, an acquiree savings bank and after written confirmation of continuation of insurance of accounts is received from the appropriate Federal Depositary Insurance Corporation (FDIC) or its agent.

b) Stock issuance shall initially be only common stock, but other classes of stock may be issued upon application to and approval by the Commissioner.

c) Each share of common stock shall entitle its owner to one vote.

(Source: Amended 1984 18 Ill. Reg. 18094, effective SEP 26 1994)

## Section 1075.1235 Stock Subsidiary Formation

In conjunction with the formation of a ~~stock-subsubsidiary~~ resulting savings bank of a mutual ~~thrift~~ holding company, the requirements of Article 3, ~~Incorporation and Organization~~, of The Act shall apply with the following additions.

a) In the case of a change of corporate form, which does not alter the assets and liabilities of the ~~original~~ reorganizing savings bank, or any acquiree savings bank, as transferred to the resulting ~~stock~~ ~~subsidiary~~ savings bank with regard to their amount or quality, the "minimum initial capital..." which would be required to obtain insurance of accounts by the Federal Deposit Insurance Corporation shall mean



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the amount of minimum capital which the original reorganizing savings bank, or any acquiree savings bank, was required to have to maintain its federal insurance of accounts.

- b) The application to organize shall be made by the directors of the original reorganizing savings bank. Copies of directors' and officers' affidavits and statements of personal interest from the last five (5) years' examination reports may be submitted to the Commissioner to the extent that they provide business and financial information on affiliations with any other financial institutions. Each applicant shall submit amendments to these materials to provide omitted, but required, information.

- c) Exhibits and maps shall display the original and new savings bank's customer area, and provide quarterly Federal and/or State reports for the four quarters preceding application, as well as the original reorganizing savings bank's last two (2) audited financial statements.

- d) The Commissioner may require information as to:

- 1) how stock shall be distributed. Such reports shall be required upon formation of the holding company, before issuance or marketing of stock and at any other time necessary to ensure fundamental fairness to stockholders, members, depositors and for reasons related to the safe and sound financial operation of the savings--bank any resulting savings bank, acquiree savings bank, or pre-existing depository institution;

- 2) whether-depositors-of-the-old-savings-bank-shall-continue-to-hold voting-and-membership-rights-in-the-new-savings-bank;

- 3) the form and manner of expressing ownership; and

- 4) the amount of treasury stock which shall be held; and any planned issuances of capital stock or equity securities, with projected dates and amounts.

- e) Once the stock--subsidiary resulting savings bank is formed, if the original--mutual reorganizing savings bank no longer retains any deposits, it shall no longer be required to maintain insurance of accounts.

(Source: Amended at 18 Ill. Reg. 10094, effective SEP 26 1994)

## Section 1075.1240 Net Worth Maintenance Agreement

- a) The Commissioner shall require each a mutual holding company to execute a "Net Worth Maintenance Agreement" for each subsidiary depository institution it-acquires. Under this Agreement the holding company shall contractually agree to infuse equity capital as needed to maintain capital at a predetermined level for each subsidiary depository institution. The Agreement shall:

- 1) be for a specified term and set a capital requirement at a level set by the Commissioner taking into account such factors as capital-risk-in-a-higher-amount-to-be-set-by--the-Commissioner-taking-into-account-such-factors-as-capital-risk (the risk from

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normal internal operations of the savings bank), market volatility (external risk to the savings bank's operations generated by uncontrolled factors such as equity and bond markets, money supply, inflation), and stock ownership patterns (such as common, voting common, voting preferred, non-voting preferred, etc.);

- 2) explicitly consent to the Commissioner's authority to require infusion of additional equity capital when he determines the savings bank fails to meet its capital requirements; Such--a-determination--shall-be--in--accordance-with-Section-5607-of-the Act;

- 3) explicitly give the Commissioner the right to vote and dispose of the stock of any subsidiary institutions whose capital is not restored within five (5) business days of the Commissioner's determination of the need for additional capital; and

- 4) establish procedures to effectuate subsection (a)(3) above including provision of notice to all affected parties and selection of time and place at which the vote and disposition will occur.

- b) The Commissioner's right to vote stock shall include all shareholder matters, including the right to remove and replace the Board-of-Directors board of directors, the right to merge the savings bank and the right to sell the stock.

- c) The Commissioner shall base determination of a capital deficiency upon:

- 1) reports from the subsidiary savings bank or the mutual holding company; and, or,

- 2) audited financial statement of the mutual holding company or the subsidiary savings bank; and, or,

- 3) examination, including examination by another government regulator, or a federal deposit insurance company, of the mutual holding company or the subsidiary savings bank.

- d) In determining adequacy of capital, the Commissioner shall review and examine the financial condition of entities which are affiliates or subsidiaries of the holding company and of the subsidiary savings bank. If there is a determination by the Commissioner that the subsidiary activity of the holding company represents a higher level of risk to the savings bank than existed before the application of the holding company formation, a higher capital amount shall be required and the basis of the Commissioner's decision shall be communicated in writing within thirty (30) days to the savings bank and holding company.

- e) All infusions to capital under this Section must be in cash or cash equivalent instruments such as: overnight deposits and federal funds.

(Source: Amended at 18 Ill. Reg. 10094, effective SEP 26 1994)



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Rights of members of the ~~original--mutual--thrift~~ resulting savings bank, acquiree savings bank, and any savings banks in the mutual form when acquired shall be transferred to the mutual holding company, except that a savings bank may eliminate borrowers' rights in the process of forming the holding company by incorporating a new definition of membership in the holding company's and subsidiaries' Articles of Incorporation. Each depositor in the ~~stock-subsidary~~ resulting savings bank, an acquiree savings bank, and any savings banks in the mutual form when acquired shall be a member of the mutual holding company and shall have one vote for each \$100.00 of value of each account; notwithstanding the foregoing restriction, a mutual holding company may upon giving notice to the Commissioner limit the number of votes cast by any persons to 1000 votes unless the Commissioner finds upon review of relevant law and facts, the limitation is inequitable to depositors.

(Source: Amended at 18 Ill. Reg. **15094**, effective SEP 26 1994)

## Section 1075.1270 Acquisition and Disposal of a-Subsidiary Subsidiaries

a) As permitted by the Act, the rules promulgated thereunder, and applicable federal law, a mutual holding company, with approval of its board of directors, the Commissioner, and its members, may:

- 1) acquire control of, or make non-controlling investments in the stock of, a stock depository institution or stock depository institution holding company;
  - 2) acquire a mutual savings bank or savings bank, upon approval of acquiree's board of directors and members, pursuant to a merger into the resulting savings bank, an acquiree savings bank, or other savings bank that was in the mutual form when acquired or with a bridge charter;
  - 3) acquire a mutual savings bank or savings bank holding company, upon approval of the acquiree's board of directors and members, by merging with the mutual savings bank holding company;
  - 4) acquire control of, or make non-controlling investments in the stock of, other corporations.
- b) A stock holding company may make acquisitions or investments or enter into mergers as permitted by the Act, the rules promulgated thereunder, and applicable federal law with approval of its board of directors, the Commissioner and its stockholders.
- c) Each holding company disposing of a subsidiary shall give not less than thirty (30) days prior notice of such planned disposition to the Commissioner. Disposal of a subsidiary must be approved by the Commissioner.
- d) The Commissioner shall approve a transaction contemplated by this Section upon finding that the transaction complies with applicable law, has received necessary approvals under federal law, and is not inequitable to members or injurious to a savings bank.

(Source: Amended at 18 Ill. Reg. **15094**, effective

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## Section 1075.1275 Dividends Limitations and Waivers

~~the declaration of dividends on capital by a stock subsidiary shall be subject to the following restrictions:~~

a) ~~no dividends may be declared when the total amount of capital of such subsidiary is less than that required by the Commissioner as set forth in Section 5007 of the Act;~~

a) No subsidiary savings bank may declare or pay a cash dividend on or repurchase any of its capital stock unless the declaration or payment of the dividend or repurchase would be in accordance with the requirements of Section 5008 of the Act and would not reduce the capital of the converted savings bank below the greatest of:

- 1) the amount required for the liquidation account;
- 2) the amount required by the Commissioner; or
- 3) the amount required by federal law.

b) ~~cash dividends may be declared as often as quarterly on shares of stock, after payment or provision has been made for all expenses, losses, required reserves and dividends on withdrawable capital; a stock dividend may be declared out of undivided profits at any time.~~

b) A converted mutual savings bank may pay dividends on preferred stock at the rate or rates agreed in connection with the issuance of preferred stock, if such issuance has been approved by the Commissioner. However, the Commissioner shall approve no issuance or payment that would reduce the capital of the converted savings bank below the greatest of:

- 1) the amount required for the liquidation account;
- 2) the amount required by the Commissioner; or
- 3) the amount required by federal law.

c) No mutual holding company may waive its right to receive any dividend declared by a subsidiary unless:

- 1) No insider of the mutual holding company, associate of an insider, or tax-qualified or non-tax-qualified employee stock benefit plan of the mutual holding company holds any share of stock in the class of stock to which the waiver would apply; or
- 2) The mutual holding company provides the Commissioner with written notice of its intent to waive its right to receive dividends 30 days prior to the proposed date of payment of the dividend and the Commissioner does not object. The Commissioner shall not object to a notice of intent to waive dividends if:

- A) the waiver would not be detrimental to the safe and sound operation of the savings bank; and
- B) the board of directors of the mutual holding company expressly determines that waiver of the dividend by the mutual holding company is consistent with the directors' fiduciary duties to the mutual members of such company. A dividend waiver notice shall include a copy of the



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resolution of the board of directors of the mutual holding company, in form and substance satisfactory to the Commissioner, together with any supporting materials relied upon by the board, concluding that the proposed dividend waiver is consistent with the board's fiduciary duties to the mutual members of the mutual holding company.

(Source: Section 1075.1275 repealed, new Section added at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1285 Access to Books and Records

Access to subsidiaries' and holding companies' books and records shall be subject to The Act, the Illinois Business Corporations Act (~~111-Rev-Stat-1989-ch-32-par-157-i~~ [805 ILCS 5] ~~et-seq~~), and the Illinois Freedom of Information Act (~~111-Rev-Stat-1989-ch-116-par-201~~ [5 ILCS 140] ~~et-seq~~), and the ~~United-States-Administrative-Procedure-Act~~ (5 U.S.C. 552). Access to the books and records of savings banks held as subsidiaries shall be subject to Section 4013 of The Act.

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1290 Annual Audit Requirements

Every ~~registrant~~ holding company shall cause its books and records to be audited at least once annually by an independent licensed public accountant. The Commissioner shall receive a copy of the licensed public accountant's annual audit report, along with all supporting documentation. The report of audit shall be on a consolidated basis unless, in the auditor's opinion, certain subsidiaries or parent entities should be reported on separately. If separate reports are prepared, they should be prepared on the same basis as the report on the holding company. ~~A registrant, for purposes of this Section, shall refer to each holding company subject to Section 1002 of The Act.~~

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1295 Maintenance of Records

Every ~~registrant~~ holding company shall maintain such corporate books and records as may be necessary to facilitate a full, complete examination of the activities of the entity. While the books and records will be primarily of an accounting nature, certain other records such as minutes of meetings shall be required to document review and approval of activities and plans.

- All accounting records shall be maintained in accordance with The Act.
- All stock entities shall at a minimum maintain or cause to be maintained on their behalf full, complete lists of stockholders including address, state of residence, taxpayer identification number,

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- amount of stock owned, and any other data necessary to determine the principals and ownership of the entity.
- All ~~registrants~~ holding companies shall prepare and maintain a full, complete book of minutes for meetings of the board of directors, executive management committees, and other meetings wherein business of a substantial nature is contemplated or transacted. This requirement shall be in effect for all subsidiary entities of the ~~registrants~~ holding companies as well.
- Primary records such as books of record and source documents shall be maintained by the individual ~~registrant~~ holding company for a period of not less than seven (7) years, provided that if a longer retention period is prescribed by another regulatory body having jurisdiction over the ~~registrant~~ holding company, that longer period shall be followed.

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1305 Holding Company Filing Fees

Filings pertaining to matters named hereafter shall be subject to the indicated fee. Such fee shall be paid at the Commissioner's Office at the time of filing. Payment shall be by check, draft, or money order made payable to the Commissioner of Savings and Residential Finance.

- Registration fee  
(Section 2002 of The Act) . . . . . \$1,000.00.
- Conversion of Charter  
(Article 8 of The Act) . . . . . \$2,500.00.  
(Although conversion may occur, if a state-chartered savings bank is held, the holding company will still have to be licensed by the Office of the Commissioner of Savings and Residential Finance.)
- Hearing or Oral Argument - each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument.  
(Section 9018 of The Act) . . . . . \$ 500.00.  
Each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument shall bear its pro rata share of all expenses incurred in said proceedings.
- Application for Subsidiary Acquisition Fee, Illinois Savings Bank Holding Company.  
(Article 2005 of The Act) . . . . . \$ 250.00.
- Mutual Holding Company Reorganization (This Subpart) . . . \$10,000.00

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994)

## Section 1075.1310 Holding Company Supervisory Fees



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- a) Each savings bank holding company operating under The Act as of the close of each calendar year shall pay annually to the Commissioner a fee of \$5.00 per million dollars of consolidated assets (excluding the assets of any Illinois State-chartered savings bank or savings and loan association) of the savings bank holding company and its subsidiaries. Such fee shall be based on the total assets of each savings bank holding company and each subsidiary as shown by its financial report filed with the Commissioner for the reporting period ended December 31. Such fees shall be for the calendar year then ended. Computations shall omit hundreds from the total assets and the fee shall be rounded to the nearest thousand dollar amount.
- b) One fourth of the sum of the supervisory fee so determined shall be remitted at the time of each calendar quarter end. A calendar quarter end shall mean March 31, June 30, September 30, and December 31. Such fees shall be for the respective current calendar year.
- c) Supervisory fees shall be determined by the Commissioner within ninety (90) days following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.
- d) In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.
- e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank holding company as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank holding company elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations), or the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994 )

## Section 1075.1315 Examination Fees

Time expended in the conduct of any examination of the affairs of any savings bank or service corporation pursuant to Section 9004 of The Act or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of \$29-00 \$55.00 per examiner hour. Such fee shall be billed within forty-five (45) days following completion of the respective

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examination. In the situation where examination procedures are performed at out-of-state locations, the examination fee of \$29-00 \$55.00 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of \$29-00 \$55.00 per hour.

(Source: Amended at 18 Ill. Reg. 15094, effective SEP 26 1994 )

## Section 1075.1330 Conversion of Mutual Holding Companies

With approval of the Commissioner, upon a finding by the Commissioner that the conversion complies with applicable law, has received necessary approvals under federal law, and is not inequitable to members or injurious to a savings bank, a mutual holding company may convert to a capital stock holding company. Any capital stock issued and offered for sale by a converting holding company shall be offered in accordance with Subpart O of this Part except that:

- a) The words "mutual savings bank" shall refer to mutual holding company.
- b) Section 1075.2170 of this Part shall not apply unless a subsidiary depository institution does not meet applicable capital requirements and the mutual holding company is unable to meet the requirements of the applicable net worth agreement entered into under Section 1075.1240 of this Part.
- c) Requirements in Subpart O of this Part for filing presentation or disclosure of financial, regulatory operations or management information shall apply to either the mutual holding company or its subsidiaries, or both, whichever filing, presentation or disclosure provides, as determined by the Commissioner, the most complete description of the mutual holding company and its subsidiaries.
- d) The Commissioner may waive a requirement of Subpart O of this Part upon a finding that such waiver is not injurious or inequitable to the mutual holding company or its subsidiaries, that it is not inequitable to members or eligible account holders, that the conversion, if the waiver is granted, provides the equivalent protections and opportunities as a conversion that fully complies with Subpart O of this Part and this Section, and that no other course of action that fully complies with Subpart O of this Part and this Section exists.

(Source: Added at 18 Ill. Reg. 15094, effective SEP 26 1994 )

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

## Section 1075.2175 Conversion of a Savings Bank in Connection with the Formation of a Holding Company

A savings bank may convert to the stock form pursuant to this Subpart as part of a transaction in which a holding company is organized to acquire upon issuance all the capital stock of the converted savings bank. In such a



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transaction eligible account holders, supplemental eligible account holders, and voting members of the converting savings association shall receive, without payment, nontransferable rights under Sections 1075.1835, 1075.1845 and 1075.1850 of this Part to purchase capital stock of the newly formed holding company in lieu of capital stock of the converting association. Unless clearly inapplicable, all of the requirements of this Subpart shall apply to a conversion under this Section.

(Source: Added at 18 Ill. Reg. 15094, effective SEP 26 1994.)

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- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Numbers: Adopted Action:

1001.410	Amend
1001.441	New
1001.442	New
1001.443	New
1001.Appendix A	New
- 4) Statutory Authority: Authorized by Illinois Vehicle Code, 625 ILCS 5/11-501, as amended by P.A. 88-238, effective January 1, 1994.
- 5) Effective Date: September 21, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: August 24, 1994.
- 9) Notice of Proposal Published in Illinois Register: May 20, 1994, 18 Ill. Reg. 7731.
- 10) Has JCAR issued a Statement of Objections to these rules: No.
- 11) Differences between proposal and final version: The comments of the Administrative Code Division and JCAR have been incorporated into the amendments.  

Section 1001.440 g) was revised to give a petitioner additional time to have the device installed and notify the Secretary of State.

Section 1001.440 j) was changed to provide for cancellation of a RDP upon notification from the manufacturer/ installer that the device has been removed from the vehicle or is not being utilized as required.

Section 1001.443 a)3P) was changed to allow installers to be able to access wiring diagrams and/or reference guides within one hour instead of requiring those items to be at each site.

There were additional nonsubstantive, grammatical and clarification changes made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.



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13) Will this rule amendment replace an emergency rule amendment currently in effect? Yes.

14) Are there any proposed amendments to this Part pending? No.

15) **Summary and Purpose of Rule Amendments:** The additions to Section 1001.400 et seq implement the Breath Alcohol Ignition Interlock Device Pilot Program and integrate the provisions of the program with the existing rules governing hearings for individuals who have lost their driving privileges due to an alcohol related suspension or revocation. The program was authorized by Public Act 88-238 (eff. January 1, 1994).

Section 1001.441 describes the Program, identifies the Petitioner's it will apply to, and sets forth the manner in which reports generated by the interlock device will be used to monitor the performance of the permittee, including the conditions under which permits can be cancelled based upon the drivers performance as indicated in the monitor reports. The Section also sets forth the duties and responsibilities of the individual required to have a device installed as a condition of their being granted a Restricted Driving Permit.

Section 1001-442 established the responsibilities of manufacturers whose devices will be utilized in the program and the capabilities which the devices must have in order to be approved for use. The procedure for a manufacturer to seek approval is set forth as is the authority for the Department of Public Health to inspect and monitor the manufacturers, their agents, and the actual devices. The Section also contains provisions for disqualifying a manufacturer or a device.

Section 1001-443 sets forth the responsibilities of installers as well as the equipment, training, and knowledge applicable to them. The provisions for the termination of an installer's certification are also set forth.

Section 1001-410 is amended to provide the definition of terms related to the program.

Appendix A identifies the geographic regions and the site guidelines for each region.

16) Information and questions regarding this adopted rule amendment shall be directed to:

Jay L. Mesi, Senior Legal Advisor  
Department of Administrative Hearings  
200 Howlett Building  
Springfield, Illinois 62756

The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

## PART 1001

## PROCEDURES AND STANDARDS

## SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

## SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Locations; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS  
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity



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**SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE**

Section	
1001.400	Applicability
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations Pursuant to Sections 6-205(a)2, 6-205(d), 6-206(a)16, 6-206(a)17, 6-206(a)24, 6-206(a)31, 6-201, 6-203, 6-203.1 and 11-501.1
1001.441	Breath Alcohol Ignition Interlock Device Pilot Program
1001.442	Manufacturer's Responsibilities: Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443	Installers' Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

## SUBPART E: FORMAL MEDICAL HEARINGS

Section	
1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

APPENDIX A	BAIID Regions and Minimum Installation/Service Center Site Location Guidelines
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**AUTHORITY:** Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206 and 6-108 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206) [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 7-101 et seq.) [625 ILCS 5/2-103, 2-104, 2-106, 2-107,

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2-108, 2-113, 2-114, and Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-203(c)3 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3) [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208) [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208, and 11-501]. Subpart E implementing Sections 6-906, 6-908, 2-113, 2-118, 2-123, 6-103 and 6-201 and authorized by Sections 2-103, 2-104, 6-906 and 6-909 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909) [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16041, effective AUG 24 1994.

## Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's records of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution, which course is either vocational in nature, or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited education institution" means any school, or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.



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"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the Petitioner's driving record contains a prior DUI disposition within the last ten (10) years for which the Petitioner did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the Petitioner may be a user of alcohol or any other drug to a degree which renders such a person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code);

"Alcohol and Drug Evaluation (Out-of-State)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and Drug Evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2056.305) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and Drug Related Driver Remedial Program" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, which conforms to the standards established by DASA. (See 77 Ill. Adm. Code Subpart D);

"Alcohol Setpoint" means the minimum or nominal BrAC (0.02) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

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"BAIID Eligible Petitioner" means an Illinois resident who is in any one of the following populations:

Any recidivist as defined in this Subpart;

Any individual classified Level III Dependent with at least six (6) but less than twelve (12) months of abstinence from alcohol and/or drugs;

Any individual with three (3) DUI dispositions if:

The last DUI arrest occurred within the three (3) year period preceding the date of the hearing; or

Any one of the DUI dispositions involved a BrAC or BAC of 0.20 or more;

Any individual with four (4) or more DUI dispositions.

A BAIID Eligible Petitioner shall not include anyone in the above populations if the BAIID Eligible Petitioner had a hearing and was granted a RDP prior to May 10, 1994, and was eventually issued a RDP as a result of that hearing, as long as that BAIID Eligible Petitioner does not receive a DUI disposition subsequent to the issuance of that RDP.

"BAIID Permittee" means a BAIID Eligible Petitioner who has been issued a RDP as a result of a hearing conducted under the Program.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol set point the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol set point the vehicle will be prohibited from starting. The unit or combination of units to be approved by the Secretary, in consultation with DPH, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certificate" means evidence issued by the manufacturer to an individual as proof of his authority and competence to install, accuracy check, calibrate and/or maintain ignition interlock devices.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Circumvention" means an overt, conscious effort to bypass the BAIID whether by providing samples other than the natural unfiltered breath of the driver, or by starting the vehicle without using the ignition switch, or any other act intended to start the vehicle without first taking and passing a breath test and thus permitting a driver with a BrAC in excess of the alcohol setpoint to start the vehicle.



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"Clinical Impression" means a qualified professional's (See definition of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during the treatment process, regarding the effectiveness of treatment provided.

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug related driver remedial program, an alcohol or drug treatment program, the Office Driver Improvement program, or any similar program intended to diagnose and change a Petitioner's driving problem as evidenced by the Petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code).

"Device" means a breath alcohol ignition interlock device approved by the Secretary after consultation with DPH.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the Petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such States. Said Compact has been codified in Illinois and is found in Chapter 6, Article VII, of the Code.

"DPH" means the Illinois Department of Public Health.

"DUI" means driving under the influence.

"DUI Disposition" means any conviction or supervision for DUI, or any conviction of reckless driving reduced from DUI, and any statutory summary suspension or implied consent suspension.

"Employ" or "Employed" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

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"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by DASA. (See 77 Ill. Adm. Code 2056.1)- A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first thirty (30) days after initial installation of the device. Obtaining and analyzing this report will also serve to help instruct the BAID Permittee on how to correctly use the device when the report indicates deficiencies in performance.

"Inspector" means an individual who through specialized training is certified by one manufacturer to examine, certify, and maintain devices. The individual shall have an extensive background in breath analysis instrumentation.

"Installer" means an individual trained and certified by a BAID manufacturer to install and/or maintain a device and employed by a recognized service center, vendor or manufacturer.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner who has no prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI, and a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2056.310)-

"Level II - Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner who has no prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI and a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2056.310)-

"Level II - Significant Risk" means the classification resulting from



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an alcohol and drug evaluation assigned to a Petitioner who has a prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI and/or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI and/or other symptoms of substance abuse. (See 77 Ill. Adm. Code 2056.310)†

Level III - High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner with: symptoms of substance dependence (regardless of driving record), hereinafter referred to as Level III Dependent; and/or two prior convictions or court ordered supervisions for DUI or statutory summary suspensions or reckless driving convictions reduced from DUI or any combination thereof resulting from separate incidents, within the ten (10) year period prior to the date of the most current (third or subsequent) arrest, hereinafter referred to as Level III Non Dependent. (See 77 Ill. Adm. Code 2056.310)†

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty, unless it is serviced or recalibrated.

"Manufacturer" means the maker of a BAID.

"Monitor Report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"Office" means the Office of the Secretary of State and not any particular Department, address, or location.

"Permanent Lockout" means that feature of the BAID that causes a vehicle with the device installed to become permanently inoperable for any failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within five (5) days after any service or inspection notification. A permanent lockout must prevent the vehicle from starting after the lapse of the five (5) days and require servicing by the manufacturer/installer of the device to make the vehicle operable.

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"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAID Pilot Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.

"Recidivist" means an individual who had lost driving privileges due to a DUI disposition, received driving relief through the administrative hearing process, and thereafter received another DUI disposition causing a further loss of driving privileges.

"Reinstatement" means the restoration of driving privileges entitling the Petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

"Rolling Retest" means that feature of the device that requires the driver to take another BrAC test(s) after the initial test to start the vehicle. Upon failure of a retest or failure to take the retest, the device will cause attention to be drawn to the vehicle, such as, but not limited to, sounding of the horn of the vehicle.

~~"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.~~

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Service or Inspection Notification" means that feature of the device that advises or notifies the BAID Permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report. Such notification shall be given by the device in



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the following cases: anytime the device records a BRAC test result of 0.05 or more; five (5) or more unsuccessful attempts to start the vehicle after the initial monitor report; to notify BAID Permittee of the initial monitor report; after any rolling retest failure or refusal following the initial monitor report; after any attempted tampering or circumvention after the initial monitor report; every sixty (60) days after the initial monitor report.

"Service Center" means a dealer, distributor, supplier, or other business engaged in the installation of devices.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help group (Alcoholics Anonymous, Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The Hearing Officer shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Tampering" means an overt, conscious attempt to physically disable or otherwise disconnect the BAID from its power source and thereby allow a person with a BRAC above the alcohol setpoint to start the engine.

"Twenty-four Hour Lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of twenty-four hours any time the device registers a BRAC of 0.05 or more.

"Undue Hardship" as it relates to educational pursuits means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the Petitioner, and pertains

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only to the Petitioner. All other reasonable means of transportation must be unavailable to the Petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" relating to employment means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code an extreme difficulty in regard to getting to or from a Petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the Petitioner's driving privileges. It is more than mere inconvenience on the Petitioner and pertains only to the Petitioner. All other reasonable means of transportation must be unavailable to the Petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship" as it relates to necessary medical care means an extreme difficulty in regard to getting to and from a location where Petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosis or clinical impression of alcoholism/chemical dependency, where a Petitioner is participating in an ongoing support program as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the Petitioner's driving privileges are suspended or revoked.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended 18 Ill. Reg. 151.27, effective AUG 24 1994)

## Section 1001.441 Breath Alcohol Ignition Interlock Device Pilot Program

- a) A pilot program is hereby established to integrate the issuance of a RDPS(s) to a petitioner conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAID). The Secretary finds that a BAID Eligible Petitioner is one who has demonstrated through his/her driving record that he/she poses a serious threat to the public safety and welfare and that the issuance of driving privileges to such a person should be conditioned upon the use of the BAID to monitor the petitioner's driving performance. The pilot program shall also be used to assess the effectiveness, reliability and dependability of the BAID, and will commence with the effective date of these rules and



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terminate no later than June 30, 1996.

- b) The Secretary shall notify any BAIID Eligible Petitioner who requests a hearing of the requirements of the program. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification. Any BAIID Eligible Petitioner who requests additional information shall be given information regarding all of the provisions and conditions of the program, the availability of the device and the approved manufacturers or installers to contact for further information regarding installation, costs, maintenance, and other pertinent information.
- c) Any hearing involving a BAIID Eligible Petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) The Secretary shall issue a RDP to a BAIID Eligible Petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of Section 1001.440 of this Part and installs and utilizes a device in any motor vehicle operated by the BAIID Eligible Petitioner.
- e) Prior to the taking of evidence at the hearing, or as soon as a Petitioner is determined to be BAIID Eligible:
  - 1) The Secretary shall make sure that the BAIID Eligible Petitioner understands: all of the provisions and conditions of the program; that to obtain a RDP the BAIID Eligible Petitioner must minimally meet all of the requirements of Section 1001.440 of this Part and install and utilize the device; that participation in the program does not guarantee issuance of a RDP; and that all costs associated with the device are the responsibility of the BAIID Eligible Petitioner; and
  - 2) The BAIID Eligible Petitioner shall advise the Secretary that he/she understands all of the provisions and conditions of the program and whether he/she chooses to participate in the program. If the BAIID Eligible Petitioner is unwilling to use the device, he/she shall be advised that no relief will be granted and no hearing will be held.
- f) After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
  - 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
  - 2) If the hearing officer determines that a RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of the device.
- g) After the issuance of an order granting a RDP under this program, in addition to the other requirements under this Part, the BAIID Eligible Petitioner must prove to the Secretary that a device has been installed in the vehicle(s) to be used by the BAIID Eligible

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- Petitioner within seven (7) days from the date of the installation of the device. Proof of installation shall be in writing, on letterhead from the installer or manufacturer. Petitioner shall have fourteen (14) days from the date of issuance of the RDP to have a device installed in the vehicle(s) to be used by the Petitioner and may operate the vehicle without the device in order to take the vehicle to a manufacturer or installer for installation. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Any BAIID Eligible Petitioner receiving a RDP under this program must comply with the following requirements:
    - 1) Operate only a vehicle(s) with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID Permittee;
    - 2) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer within the first thirty (30) days for an initial monitor report to help the BAIID Permittee learn how to correctly use the device, and thereafter not sooner than every fifty (50) days nor longer than every sixty (60) days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the manufacturer or installer.
    - 3) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer for a monitor report within five (5) working days after any service or inspection notification.
  - i) Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action:
    - 1) For any BAIID Permittee who fails to take the vehicle with the device in for timely monitor report(s) or send the appropriate portion of the device to the manufacturer for timely monitor report(s), send a letter to the BAIID Permittee indicating that if the device is not taken in for a monitor report within ten (10) days after the date of the letter, the RDP will be cancelled. It is the BAIID Permittee's responsibility to contact the manufacturer/installer to make sure monitor reports are obtained;
    - 2) For any BAIID Permittee whose monitor report(s) shows five (5) or more unsuccessful attempts to start the vehicle, a failure to successfully complete a rolling retest, or tampering with or circumvention of the device during the initial monitor period, send a warning letter to the BAIID Permittee indicating that future unsuccessful attempts to start the vehicle could result in the BAIID Permittee either being cited in for a hearing to cancel the RDP or the immediate cancellation of the RDP if the BAIID Permittee's monitor report(s) shows a failure to successfully complete a rolling retest or tampering with or circumvention of



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- the device after the initial monitor report period:
- 3) For any BAID Permittee whose monitor report(s) shows five (5) or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAID Permittee a letter asking for an explanation of the unsuccessful attempts to start the device. If a response is received within twenty-one (21) days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within twenty-one (21) days or does not reasonably assure the Secretary, the BAID Permittee shall be cited in for a hearing to determine if the RDP should be cancelled;
  - 4) For any BAID Permittee whose monitor report(s) show a failure to successfully complete a rolling retest, or any tampering with or circumvention of the device, after the initial monitor report period, immediately cancel the RDP(s);
  - 5) For any BAID Permittee whose monitor report(s) shows a BrAC reading of 0.05 or more, regardless of any other provision contained herein, there shall arise a rebuttable presumption that the BAID Permittee consumed alcoholic beverages which shall result in the immediate cancellation of the RDP. The presumption may be overcome at an administrative hearing requested by the BAID Permittee;
  - 6) For any BAID Permittee whose monitor report(s) shows apparent violations of the restrictions of the RDP, send a letter to the BAID Permittee asking for an explanation. If a response is received within twenty-one (21) days after the date of the Secretary's letter and it reasonably assures the Secretary that the RDP restrictions were not violated, no further action will be taken. If response is not received within the twenty-one (21) days or does not reasonably assure the Secretary that no violation(s) of the restriction of the RDP occurred, the BAID Permittee shall be cited in for a hearing to investigate the apparent violation(s) of the restrictions to determine if the RDP should be cancelled. If the evidence shows that the BAID Permittee drove outside the restrictions of the RDP, it shall be cancelled.
  - 7) Receipt of any one of the following shall also be grounds for immediate cancellation of a RDP issued under this program:
    - 1) Any law enforcement report showing operation of a vehicle by a BAID Permittee without a device as required by the RDP issued under this program. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;
    - 2) Any law enforcement arrest/stop involving a failed rolling retest or failure to take a rolling retest if the officer's report indicates the use of alcoholic beverages and/or drugs by the BAID Permittee. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it or a copy, if the

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- original is submitted to the court, along with a law enforcement report to the Secretary:
- 3) Written verification from a manufacturer/installer stating that their device previously installed in a Permittee's vehicle has been removed and/or is no longer being utilized by the Permittee, as required by subsection (d) above.
  - k) Any BAID Permittee whose RDP issued under this program is cancelled as provided for in this Section may request a hearing to contest the cancellation within sixty (60) days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part.
  - l) Any BAID Permittee whose RDP issued under this program is cancelled for any reason in this Section shall not be granted another hearing for one (1) year from the date of the cancellation, except to contest the cancellation as provided in subsection (k) above.
  - m) Any formal order entered which grants the issuance of a RDP under this program shall, in addition to all other requirements, clearly indicate the following:
    - 1) That the RDP is issued under the program;
    - 2) That the BAID Permittee is aware of the program and all of its conditions and terms and accepts those conditions and terms as conditions precedent to the issuance of the RDP.
  - n) Any RDP(s) issued under this program shall, in addition to all other requirements, clearly indicate:
    - 1) That the permit is issued under the program, and when a vehicle operated by a BAID Permittee must be equipped with an installed, operating device;
    - 2) That the provisions of the RDP also allow the BAID Permittee to drive to and from the manufacturer or installer for the purposes of installing the device or obtaining monitor reports, and any necessary servicing.
  - o) The Secretary authorizes DPH to check and monitor the manufacturers and installers as to their calibration and monitor report procedures.
  - p) The Secretary shall gather all monitor reports, any reports from DPH and any other information relative to the performance, dependability, reliability, and effectiveness of the use of the device. Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- (Source: Added at 18 Ill. Reg. 151.27, effective AUG 24 1994)
- Section 1001.442 Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions**
- a) The responsibilities of a device manufacturer shall include:
    - 1) The manufacturer shall carry product liability insurance with



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minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty (30) days notice will be given to the Secretary and DPH before cancellation of the insurance;

2) The manufacturer shall indemnify and hold harmless the State, the Secretary and its officers, employees and agents, and DPH and its officers, from all claims, demands, actions and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use or removal of a device;

3) The manufacturer of a device shall develop separate detailed written instructions regarding the installation, maintenance and the normal operation of the device;

4) The manufacturer shall provide an 800 customer service/question/complaint hotline;

5) The manufacturer shall provide a training program for the individual operating the device on operation, maintenance, and safeguards against improper operations;

6) The manufacturer shall provide informational materials to the Secretary for distribution to BAIRD Eligible Petitioners;

7) The manufacturer shall provide a warranty of performance to ensure responsibility for support of service within a maximum of forty-eight (48) hours after notification of a complaint. This support shall be in effect during the period the device is required to be installed in a motor vehicle;

8) The manufacturer shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions, and the testing protocol by which the device was approved. In the event it should become necessary for the Secretary or DPH to provide testimony in any civil or criminal procedures involving the approval or use of the device, the manufacturer shall reimburse the Secretary or DPH for any costs incurred in providing such testimony. Failure to provide this reimbursement shall result in withdrawal of approval for the device;

9) The manufacturer shall provide training to the Secretary's employees and DPH's inspectors as soon as possible after preliminary approval and prior to installation of devices in the State of Illinois at no cost;

10) The manufacturer shall provide a training program for the service center, vendor, and/or installer installing the device on:

A) Installation, operation, maintenance, and safeguards against improper operations;

B) The psychological, physiological and pharmacological effects of alcohol in the human body; and

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C) The theory of instruments used in the analytical process which measures alcohol concentration;

11) Any manufacturer whose device is installed must submit monitor reports to the Secretary and DPH no later than fifteen (15) days from the date the device is brought in for a monitor report or an appropriate portion of the device is sent to the manufacturer if the report does not contain five (5) or more unsuccessful attempts to start the vehicle, a BrAC of 0.05 or more, any unsuccessful rolling retest, or tampering with or circumvention of the device; otherwise the report shall be submitted within five (5) days. Notwithstanding the above, the initial monitor report shall be submitted within fifteen (15) days from the date the device is brought in or the appropriate portion of the device is sent in for the initial monitor report. These monitor reports shall be transmitted using agreed upon electronic transfer protocols or in hard copy;

12) The manufacturer shall provide to the Secretary and DPH additional reports, to include but not be limited to records of installation, calibrations, maintenance checks and usage records on devices placed in service in the State. These records shall be agreed upon and transmitted using electronic transfer protocols or in hard copy;

13) The manufacturer shall provide to the Secretary any available physical evidence of tampering with or circumvention of the device. The Secretary shall notify DPH of any such evidence;

14) The manufacturer shall service all BAIRD Permittees in their designated geographic region under standards established for that region as set forth in Appendix A.

b) Approval of BAIRDS for analyzing the alcohol content of breath:

1) Preliminary approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of test results from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIRDS) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C., 20590, (202)366-5543, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:

A) 1.4.S, Power, if the device is not designed to be operated from the battery.

B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below -20°C and above +70°C.

C) 2.3.S, Warm Up, if the device is not designed to be operated below -20°C.

D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20°C and above +70°C.

2) Within eighteen (18) months, final approval of a device may be granted by the Secretary, in consultation with DPH, based on a



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field testing protocol developed by the DPH and review of field performance results from the program.

- 3) No device shall be given approval if it demonstrates an accuracy rate  $> 0.01$  in unstressed conditions or  $> 0.02$  in stressed conditions.
- 4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.02.
- 5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within five (5) to fifteen (15) minutes after starting the vehicle. Rolling retests shall continue at a rate of two (2) per hour in random intervals not to exceed forty-five (45) minutes after the first rolling retest.
- 6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:
  - A) The rolling retest is not performed;
  - B) The BrAC of the rolling retest exceeds 0.04;
  - C) Tampering or circumvention attempts are detected.
- 7) The device shall be required to have permanent lockout five (5) days after the Service or Inspection Notification if it is not serviced or calibrated.
- 8) The device shall be required to have Twenty-Four (24) Hour Lockout anytime the BAID Permittee registers a BrAC of 0.05 or more.
- 9) Any device to be approved shall provide for calibration at least once every sixty (60) days using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard.
- 10) Any manufacturer/service center/vendor who sells, rents, and/or leases ignition interlock devices in Illinois shall report to the Secretary and DPH all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make, serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle on a monthly basis using an agreed upon electronic transfer medium and format.
- 11) Any device which is not provided a preliminary approval or a final approval shall be re-tested at the request of the manufacturer but not more often than once in a given year.
- 12) A manufacturer may apply for preliminary approval of a device by submitting a written request to the Secretary and DPH certifying the device:
  - A) Does not impede the safe operation of a vehicle.
  - B) Minimizes opportunities to bypass the device.
  - C) Performs accurately and reliably under normal conditions.
  - D) Prevents a BAID Permittee from starting a vehicle when the BAID Permittee has a prohibited BrAC; i.e.  $> 0.02$ .
  - E) Satisfies the requirements for certification set forth in this Section.
- 13) The written request shall include all of the following

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information:

- A) The name and address of the manufacturer of the device.
  - B) The name and model number of the device. A separate request is required for each model or type of device.
  - C) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal.
  - D) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.
  - E) A complete and accurate copy of data from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet or exceed the specifications in this Section.
  - F) A description of the manufacturer's present and two (2) year plan for distribution and service in Illinois.
  - G) A certification from the manufacturer that it will accept the region assigned as a result of a random draw and will service all BAID Permittees residing in the designated region under standards established for that region.
- 14) The Secretary, in consultation with DPH, shall issue a preliminary approval or disapproval of a device no later than thirty (30) days after receipt of all required requested materials and certifications.
- 15) The manufacturer shall, within three (3) months after preliminary approval, provide the Secretary and DPH's Alcohol and Substance Testing Program:
- A) A list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored in an agreed upon format;
  - B) Five (5) production devices of which three (3) will be used for field testing; and
  - C) Training for the Secretary's employees and DPH's inspectors and program administrator.
- 16) The manufacturer shall, at no cost to the State of Illinois, install the selected devices for field testing in the vehicles provided by the Secretary and DPH. DPH shall independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering.
- 17) A list of approved devices shall be maintained by the Secretary.
- c) DPH Inspections
- DPH may conduct independent inspections on any of the devices, installers, service providers, or manufacturers to determine if they are in compliance with these rules. If the independent inspection indicates a noncompliance with the rules, DPH shall notify the Secretary and he shall require the manufacturer to correct any



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noncompliance so reported. The manufacturer shall report in writing to the Secretary and DPH within thirty (30) days after receiving notification of the noncompliance any corrective actions taken.

d)

Disqualification of a Manufacturer  
The Secretary shall disqualify a manufacturer or installer from participation in the program upon written notification and a thirty (30) day opportunity to come into compliance in any of the following cases:

- 1) Failure to submit monitor reports in a timely manner as provided in subsection (a)(11). If the Secretary finds, through investigation, that the BAID Permittee did take the vehicle with the installed device to the manufacturer or installer or sent the appropriate portion of the device to the manufacturer for a monitor report in a timely manner, a warning notification shall be sent to the manufacturer or installer indicating that a second such occurrence will result in cancellation of participation;
- 2) Failure to maintain liability insurance as required;
- 3) Failure to comply with all of the duties and obligations contained in this Part.

e) Designation and Assignment of Regions

The Secretary shall by a random draw designate a defined geographic region for each approved manufacturer participating in the program. Each manufacturer shall be responsible for establishing installation or service sites within its assigned region to service BAID Permittees residing in said region under standards established for that region as set forth in Appendix A.

(Source: Added at 18 Ill. Reg. 15127, effective 8/15/04)

### Section 1001.443 Installer's Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification

a) The responsibilities of installers of BAID shall include:

- 1) An installer shall carry liability insurance with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. The liability insurance shall include coverage for defects in calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty (30) days notice will be given to the Secretary and DPH before cancellation of the insurance. An installer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device;
- 2) The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for

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acceptable mechanical and electrical condition prior to installation. These include, but are not limited to:

- A) Tools to make electrical connections in a competent manner (properly soldered or mechanically crimped with high quality connectors and in accordance with accepted trade standards);
- B) Heat gun, if heat shrink tubing or heat set labels are used;
- C) Volt/ohmmeter;
- D) Test light;
- E) Battery testing equipment and servicing tools (load tester, terminal cleaning tools and battery filler);
- F) Have the ability to access within one hour, via FAX or other means, electrical wiring diagrams and/or reference guide for electrical systems on import and domestic vehicles, twenty (20) years old or less, necessary for installation and operation of the device; and
- G) Tools and equipment listed by the device manufacturer to properly install devices;

4) The installer shall provide adequate security measures to prevent unauthorized persons from accessing secured materials (tamper seals or installation instructions);

5) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions, and correcting conditions (such as low battery or alternator voltage, or engine stalling frequent enough to require additional breath tests) which interfere with the proper functioning of the device;

6) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle;

7) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle;

8) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent; and

9) The installer shall provide a warranty of performance to assure responsibility for support of service within a maximum of forty-eight (48) hours after notification of a complaint. This support shall be in effect during the period the device is required to be installed in a motor vehicle.

b) Requirements for Initial Certification of Installers

1) To qualify as an installer of BAIDs, the individual shall be provided instruction by the manufacturer of the device based on a curriculum approved by DPH which includes the following:

- A) Presentation of the psychological, physiological and pharmacological effects of alcohol in the human body.
- B) Theory of breath alcohol ignition interlock devices used in the analytical process which measures alcohol concentration.



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C) Practical application in the use and installation of the device.

2) An individual to be certified under this Part shall satisfactorily complete a practical proficiency examination approved by DPH and administered by the manufacturer.

3) A certification shall be valid for a period of twenty-four (24) months from the date of issuance. A certification shall automatically terminate when the individual is no longer employed as a BAIID installer.

4) Instructor Qualifications:

A) Instructors in courses designed to qualify persons for certification to install BAIIDs shall be certified by the manufacturer.

B) Any person desiring to qualify as an instructor shall submit an application to the manufacturer listing all technical and educational background.

C) Persons desiring to qualify as an instructor shall be knowledgeable on the subjects of the psychological, physiological and pharmacological effects of alcohol and the theory of devices approved for use in Illinois and demonstrate the ability to operate and install the manufacturer's device in accordance with its operational Procedures.

D) The certification of an instructor shall be terminated, denied or revoked for the following reasons:

- i) Inability to pass a practical evaluation.
- ii) Teaching fewer than five (5) courses per year unless employed by the manufacturer or DPH.

c) Requirements for Renewal of Installer Certification:

1) Each installer must be examined prior to recertification by the manufacturer or his approved representative. This will be done on the following basis: In each twenty-four (24) month period, the installer, regardless of the number of installations he conducts, must successfully install and check a device for accuracy using a certified controlled reference sample in the presence of an instructor.

2) Within the two (2) year period each installer must complete the following:

- A) A review of the operational theory of devices.
- B) A review of current and related problems in the field.

d) Requirements for Termination, Revocation and Denial of Installer Certification:

1) The following are grounds for the revocation of a certification issued to the installer:

- A) Misuse or improper installation of the device by the installer in such a way that the installer is in violation of State statutes or this Part.
- B) Upon receipt of a complaint to the Secretary or DPH, a certified installer may be subject to review by an inspector

in the operation and installation of the device using a certified controlled reference sample, and, at which time, his failure or refusal to perform analysis or installation properly may be grounds for certification revocation upon the recommendation of an inspector.

C) Dismissal or release of the installer from his employment.

2) A renewal of a certification under subsection (c) above or reissuance of a certification pursuant to subsection (b)(3) and/or (4) above may be denied for the following reasons:

A) Any grounds for revocation set forth in subsection (d)(1) above.

B) Failure to comply with subsection (c)(1) and (2) above.

3) If DPH finds that the public interest, safety or welfare imperatively requires emergency action, DPH shall incorporate a finding to that effect in an order summarily suspending a certification and forward it to the manufacturer pending proceedings for revocation or denial of certification.

(Source: Added at 18 Ill. Reg. 15127, effective AUG 24 1994 )



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## Section 1001.APPENDIX A BAID Regions and Minimum Installation/Service Center Site Location Guidelines

a) The State of Illinois is divided into four (4) BAID regions as follows:

1) Region 1 shall be comprised of the Counties of Boone, Bureau, Carroll, DeKalb, Grundy, Jo Davies, Kendall, LaSalle, Lake, Lee, Livingston, McHenry, Ogle, Stephenson, Whiteside, Winnebago, and in Cook County the municipalities/unincorporated areas of Alsip, Bedford Park, Bellwood, Berkeley, Berwyn, Bridgeview, Broadview, Brookfield, Burbank, Chicago, Ridge, Cicero, Countryside, Evergreen Park, Forest Park, Forest View, Hickory Hills, Hillside, Hodgkins, Hometown, Indian Head Park, Justice, LaGrange, LaGrange Park, Lemont, Lyons, Marionette Park, Maywood, Mc Cook, Melrose Park, North Riverside, Oak Lawn, Oak Park, Orland Hills, Orland Park, Palos Heights, Palos Hills, Palos Park, River Forest, Riverside, Stickney, Stone Park, Summit, Tinley Park, Westchester, Western Springs, Willow Springs, and Worth.

2) Region 2 shall be comprised of the Counties of Adams, Brown, Calhoun, Cass, DuPage, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Knox, Macoupin, Marshall, Mason, McDonough, Menard, Mercer, Morgan, Peoria, Pike, Putnam, Rock Island, Schuyler, Scott, Stark, Warren, Woodford, and in Cook County the City of Chicago.

3) Region 3 shall be comprised of the counties of Bond, Champaign, Christian, Clark, Clay, Clinton, Coles, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Ford, Iroquois, Jasper, Kane, Kankakee, Logan, Macon, McLean, Montgomery, Moultrie, Platt, Sangamon, Shelby, Tazewell, Vermillion, and in Cook County the municipalities/unincorporated areas of Barrington, Barrington Hills, Des Plaines, Elk Grove Village, Elmwood Park, Franklin Park, Hanover Park, Harwood Heights, Hoffman Estates, Inverness, Mount Prospect, Niles, Norridge, Northlake, Palatine, Park Ridge, River Grove, Rolling Meadows, Rosemont, Schaumburg, Schiller Park, South Barrington, and Streamwood.

4) Region 4 shall be comprised of the counties of Alexander, Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, Will, Williamson, and in Cook County the municipalities/unincorporated areas of Arlington Heights, Blue Island, Burnham, Calumet Park, Calumet City, Chicago Heights, Country Club Hills, Crestwood, Dixmoor, Dolton, East Hazel Crest, Evanston, Flossmoor, Ford Heights, Glencoe, Glenview, Glenwood, Golf, Harvey, Hazel Crest, Homewood, Kenilworth, Lansing, Lincolnwood, Lynwood, Markham, Matteson, Midlothian, Morton Grove, Northbrook, Northfield, Oak Forest, Olympia Fields, Park Forest, Phoenix, Posen, Prospect Heights,

Richton Park, Riverdale, Robbins, Sauk, Skokie, South Holland, South Chicago Heights, Thornton, Wheeling, Wilmette, and Winnetka.

b) The minimum installation/service center site location guidelines for each region follow. In the event that a BAID is required for a Permittee who resides more than seventy-five (75) miles from any location in the region, installation and service must be provided by a mobile unit on site for the Permittee or at another alternative location which is acceptable to the Permittee:

1) Region 1: one in Lake County; one in Winnebago County; one in LaSalle County at a site within a five mile radius of the intersection of Interstate 39 and Interstate 80; and either one in both Municipal District 4 and Municipal District 5 of the Circuit Court of Cook County or one in Lyons Township.

2) Region 2: one in DuPage County; one in Knox County; one in Morgan County; and one in Chicago in Cook County.

3) Region 3: one in Effingham County; one in Kane County; one in Kankakee County; one in Sangamon County; one in Tazewell County; one in either Champaign or Urbana in Champaign County; and one in Municipal District 3 of the Circuit Court of Cook County.

4) Region 4: one in St. Clair County; one in Williamson County; one in Will County at a site within a five mile radius of the intersection of Interstate 80 and U.S. Route 45; and one in Municipal District 2 of the Circuit Court of Cook County.

c) Any Permittee residing in a portion of a municipality located in Cook County not specifically identified to a particular region shall be considered to be in the region of the non-Cook County portion of the Permittee's municipality.

(Source: Added at 18 Ill. Reg. 151.27, effective AUG 2, 1994)



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers: Adopted Action:  
1650.181 Amendment
- 4) Statutory Authority: Sections 16-133.4, 16-335.5 and 16-168 of the Illinois Pension Code [40 ILCS 5/16-133.4, 16-133.5 and 16-168].
- 5) Effective Date of Rulemaking: September 27, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: September 15, 1994
- 9) Notice of Proposal Published in Illinois Register:  
June 17, 1994 (18 Ill. Reg. 8904)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

At the suggestion of the Joint Committee on Administrative Rules, the following changes have been made:

- . Letters(f)(1) through(6) were added to provide notice of the availability of tailored payment plans to employers who can demonstrate special circumstances that could potentially result in an undue economic hardship to the employer without a tailored payment plan, and to employers who seek to accelerate payment of the balance due.
- . In Section 1650.181(f)(1), changed "Employers" to "employers".
- . In Section 1650.181(f)(3)(C), changed the period to a semicolon.
- . In Section 1650.181(f)(4), deleted ", Section 1650.610 et seq.". .
- . In Section 1650.181(f)(5), changed "Employers" to "employers", and deleted the comma after the second "trustees".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:  
Due to concerns raised by the Joint Committee on Administrative Rules over the potential of an unexpected financial burden that could be created for school districts throughout the State with this amendment, that changes the due dates for employer Early Retirement Incentive payments, the Teachers' Retirement System has added new language that details how the System designs tailored payment plans available to employers who can demonstrate special circumstances that will result in an undue economic hardship to the employer. The development of a tailored payment plan may assist employers in meeting an unexpected financial burden that might be created by the System's amendment.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Wilma VanScyoc, General Counsel  
Teachers' Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, Illinois 62794-9253  
Telephone: (217) 153-0375

The full text of the Adopted Amendment begins on the next page.



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
1650.110

Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
1650.110

Membership Records

Claims Records (Repealed)

Individual Accounts (Repealed)

Ledger and Accounts Books (Repealed)

Statistics (Repealed)

Confidentiality of Records

Filing and Payment Requirements

Early Retirement Incentive Payment Requirements

Waiver of Additional Amounts Due

## SUBPART C: FILING OF CLAIMS

Section  
1650.210

Claim Applications

Reclassification of Disability Claim (Repealed)

Medical Examinations and Investigations of Claims

Refunds; Impermissible Refunds; Canceled Service; Repayment

Death Benefits

Evidence of Age

Evidence of Dependency

Evidence of Parentage

Evidence of Marriage

Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section  
1650.310

Effective Date of Membership

Method of Calculating Service Credits

Method of Calculating Service Credit for Recipients of a Disability

Benefits or Occupational Disability Benefit

Duplicate Service Credit

1650.330

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

1650.340 Service Credit for Leave of Absence, Sabbatical Leaves, or  
Involuntary Layoffs

1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract  
Litigation

1650.370 Calculation of Average Salary (Renumbered)

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

1650.410 Refunds for Duplicate or Noncreditable Service

1650.420 Interest on Deficiencies (Repealed)

1650.430 Installment Payments (Repealed)

1650.440 Small Deficiencies, Credits or Death Benefit Payments

1650.450 Definition of Salary

1650.460 Calculation of Average Salary

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

1650.505 Beneficiary (Repealed)

1650.510 Re-entry Into Service

1650.520 Suspension of Benefits

1650.530 Power of Attorney

1650.540 Conservators/Guardians

1650.550 Presumption of Death

1650.560 Benefits Payable on Death

1650.570 Survivors' Benefits

1650.580 Evidence of Eligibility

## SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

## SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610 Staff Responsibility

1650.620 Right of Appeal

1650.630 Form of Written Request

1650.640 Prehearing Procedure

1650.650 Hearing Procedure

1650.660 Rules of Evidence

1650.710 Amendments

## SUBPART I: RULES OF ORDER

Section



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## 1650.810 Parliamentary Procedure

**AUTHORITY:** Implementing and authorized by Sections 16-106, 16-118, 16-121, 16-125, 16-133, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-168 and 16-192 of the Illinois Pension Code [40 ILCS 5/16-106, 16-118, 16-121, 16-125, 16-133, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-168 and 16-192].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective AUG 27 1994.

## Section 1650.181 Early Retirement Incentive Payment Requirements

- a) All employers who elect to pay the required employer's early retirement contribution in installments within a period of 5 years as provided for in Section 16-133.4 or Section 16-133.5 of the Act are required to forward such employer contributions to the System on a quarterly basis for five years. For regular retirements under Section 16-133.4, the first quarterly payment is due on January 15, 1994 and on the 15th of the month quarterly thereafter. For regular retirements under Section 16-133.5 and delayed retirements under Section 16-133.4, the first quarterly payment is due on ~~January~~ 15, 1995 October 15, 1994 and on the 15th of the month quarterly thereafter. For delayed retirements under Section 16-133.5, the first quarterly payment is due on ~~January~~ 15, 1995 and on the 15th of the month quarterly thereafter. Failure to forward employer contributions as required shall result in the assessment of additional amounts due.
- b) If the employer fails to forward such required employer contributions within the time permitted by the payment schedule, the System shall assess and notify the employer of an additional amount due, equal to a quarterly rate of 1.43% of the amount remaining unpaid by the employer on the date due.
- c) Employers paying through a quarterly payment plan shall be assessed an additional quarterly rate of 1.43% on the employer's remaining unpaid quarterly balance in every succeeding payment period the employer fails to pay any past due amounts.
- d) Employers paying through a tailored payment plan shall be assessed an additional quarterly rate of 1.43% for each succeeding quarter in which the employer fails to pay any past due amounts. Quarters shall

be determined based on the date due.

- e) For purposes of administering the additional amounts due, based upon the employer's failure to make the employer's early retirement contribution under Section 16-133.4 or Section 16-133.5, the contribution must be received by the date due, as established by the System. Contributions shall be credited to the employer on the date of receipt by the System.
- f) The System may design a tailored payment plan, which must be approved by the Board of Trustees to be effective, that provides for the payment of the employer's contribution in unequal installments over a period of no more than five (5) years from the date of retirement.
  - 1) A tailored payment plan is only available to employers who can demonstrate special circumstances that will result in an undue economic hardship to the employer, without a tailored payment plan, and to employers who seek to accelerate payment of the balance due. Employer convenience and general economic advantage to the employer will not be sufficient to overcome the Board of Trustees' fiduciary responsibility to ensure sound fiscal management of the System.
  - 2) To apply for a tailored payment plan the employer must provide to the System's Special Payment Option Committee ("Committee") the following information:
    - A) A statement of the special circumstances which justify the tailored payment plan, certified by the local superintendent;
    - B) A proposal as to how a tailored payment plan can meet the special circumstances enumerated;
    - C) Notice as to whether the employer has been certified as in financial difficulty by the State Board of Education, pursuant to 105 ILCS 5/1A-8;
    - D) A list of factors that would have a strong negative impact on the employer's ability to enter into a payment plan involving equal quarterly payments over five years.
- 3) The criteria the Committee will consider in approving a request for a tailored payment plan includes, but may not be limited to:
  - A) The special circumstances certified as necessitating a tailored payment plan;
  - B) What type of tailored payment would best meet the special circumstances identified by the employer, including the proposal made by the employer;
  - C) Whether the employer has been certified as in financial difficulty by the State Board of Education, pursuant to 105 ILCS 5/1A-8;
  - D) Any additional factors that would have a strong negative impact on the employer's ability to enter into a payment plan involving equal quarterly payments over five years;
  - E) The System's fiduciary responsibility to ensure sound fiscal management of the System for the benefit of all participants and beneficiaries.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 4) If a request for a tailored payment plan is approved, the Committee will design a tailored payment plan. The employer's proposal as to how a tailored payment plan can meet their special circumstances will be considered in designing the plan, but will not be binding on the Committee. All tailored payment plans must meet the requirements of 40 ILCS 5/16-133.5, for payment in full of all employer contributions within five years from the date of retirement. The Committee will communicate with the employer in working out the design of the tailored payment plan. The Committee's final recommendation on the design of the tailored payment plan will be promptly communicated to the employer. Any employer whose request for a tailored payment plan is not approved by the Committee may appeal the Committee's determination under the provisions of the administrative review procedures as specified in Title 80, Illinois Administrative Code.
- 5) The Committee's final recommendation on the design of the tailored payment plan will be presented to the Board of Trustees for approval at its next scheduled Board Meeting. Any employer whose tailored payment plan is not approved by the Board of Trustees may appeal the Board's determination under the provisions of the administrative review procedures as specified in Subpart H of this Part.
- 6) If a tailored payment plan is pending and has not yet been acted upon by the Board of Trustees, additional amounts due will be suspended by the System until such time as the Board of Trustees has acted on the tailored payment plan.

(Source: Amended at 18 Ill. Reg. 15154, effective  
AUG 27 1994)

## DEPARTMENT OF CONSERVATION

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers: Emergency Action:  
590.10 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective August 24, 1994).
- 5) Effective Date of Amendments: September 27, 1994
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will remain in effect for the 150-day period.
- 7) Date filed in Agency's principal office: September 27, 1994
- 8) Reason for emergency: This Part is being amended to comply with federal regulations published in the August 24, 1994, Federal Register. Failure to comply would have resulted in cancellation of the Canada goose season.
- 9) A complete description of the subjects and issues involved: Changes include adding two new Quota Zones and language outlining installation of a new harvest reporting system.
- 10) Are there any proposed amendments to this part pending? No
- 11) Statement of statewide policy objectives (if applicable):
- 12) Information and questions regarding these amendments shall be Directed to:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

The full text of the emergency amendments begins on the next page:



## DEPARTMENT OF CONSERVATION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION  
 CHAPTER I: DEPARTMENT OF CONSERVATION  
 SUBCHAPTER b: FISH AND WILDLIFE

## PART 590

## DUCK, GOOSE AND COOT HUNTING

## Section

## 590.10 Statewide Regulations

## EMERGENCY

- 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting  
 590.25 Illinois Youth Goose Hunting Permit Requirements  
 590.26 Illinois Youth Duck Hunting Permit Requirements  
 590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and-Managed Sites  
 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting  
 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting  
 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting  
 590.70 Ohio River

## EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

**SOURCE:** Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendments at 13 Ill.

## DEPARTMENT OF CONSERVATION

## NOTICE OF EMERGENCY AMENDMENTS

Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendments at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendments at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendments at 18 Ill. Reg. ~~15161~~, effective September 27, 1994, for a maximum of 150 days.

## Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.18) [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
- e) Emergency Closure  
 The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

## f) Closed Areas and Refuges

- 1) Ducks - Specific habitats, geographical areas, or political land



## DEPARTMENT OF CONSERVATION

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units shall be closed to hunting of specified species of ducks in compliance with federal regulations.

- 2) Geese and Refuges
  - A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.
  - B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:
    - i) Horseshoe Lake Conservation Area - Alexander County (the refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch) (in the refuge no motors except trolling motors will be allowed from October 15 to March 1)
    - ii) LaSalle Lake Fish and Wildlife Area (closed to boats October 1 to March 31)
    - iii) Mazonia-Braidwood State Fish and Wildlife Area
    - iv) Rend Lake and Rend Lake Wildlife Management Area
    - v) Snake Den Hollow Fish and Wildlife Area (all use other than waterfowl hunting is prohibited from October 1 through the close of the Fulton-Knox County goose season)
    - vi) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)
    - vii) Melvin Price Lock and Dam Pool 26 (the posted area immediately south of Melvin Price Lock and Dam 26 on the Mississippi River, and including that portion of Maple Island, that is presently owned by the State of Illinois has been designated a waterfowl refuge. Discharge of firearms, hunting and off road vehicles are prohibited at all times. All boating is prohibited on waters of the refuge where posted from October 15 through April 15)
- g) Commercial Migratory Waterfowl Hunting Area Permits
  - 1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make

the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.

- 2) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- 2+3) Subsection (g) shall be in accordance with Section 3.7 of the Wildlife Code [520 ILCS 5/3.7].
- 3+4) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.

h) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

i) Waterfowl Hunting Zones:

1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.

2+3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border, except that all of Bond, Effingham, and Fayette counties will be excluded from the Central Zone for goose hunting.

4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

3+5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State, except that all of Bond, Effingham, and Fayette counties will be in the Southern Zone for goose hunting.

4+6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.

5+7) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.

6+8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

7+9) Southern Illinois Quota Zone (Alexander, Union, Williamson, and



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- Jackson Counties).
- j) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season, hunting hours shall close at sunset daily.
- k) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.
- l) Persons in possession of geese in excess of twice the daily bag limit, when such geese were taken within the quota zones, shall tag each individual goose. The tag must contain the hunter's name, signature and address and the date of kill and the location of the kill.
- m) The following apply in the Northern and Central Illinois Quota Zones:
- 1) It is unlawful to hunt Canada geese without having a 1994 Permit to Hunt Canada Geese in possession, unless exempt from a state waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date and birth, and state waterfowl stamp number.
  - 2) Immediately upon taking possession of a harvested Canada goose, hunters must punch or slit the Permit to hunt to indicate the date of kill (one date for each goose harvested) and zone in which taken.
  - 3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (938-5263) on a touch tone phone.

(Source: Emergency amendments at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days)

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: The Coal Mining Act
- 2) Code Citation: 62 Ill. Adm. Code 140
- 3) Section Number: Emergency Action:  
140.30 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 2.02 and 2.12 of the Coal Mining Act [25 ILCS 705/2.01 and 2.12], and by new Section 47 of the Civil Administrative Code of Illinois, enacted by P.A. 88-0599, effective September 1, 1994 [20 ILCS 1905/47].
- 5) Effective Date of Amendments: October 1, 1994
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: October 1, 1994
- 8) Reason for Emergency:  
The Illinois Department of Mines and Minerals ("Department") currently contracts with a private entity to ensure that the coal consumed in State-owned buildings meets the environmental and energy specifications set by State contracts. On September 1, 1994, Governor Edgar signed Public Act 88-0599 establishing a coal quality testing program to be implemented by the Department's analytical laboratory. Given that the Department's current coal quality testing contract with a private entity will expire on October 1, 1994, it is imperative that the Department promulgate rules outlining in-house procedures for coal quality testing in accordance with this new State law. Therefore, the Department specifically finds that promulgating emergency rules will address a situation that constitutes a threat to the public interest and welfare of the people of the State of Illinois.

9) A complete description of the subjects and issues involved:

The State of Illinois purchases large quantities of coal each year that is used to heat State-owned buildings. A private laboratory under contract with the Department currently undertakes quality assurance testing for coal purchased under State contracts. The Department's analytical laboratory located in Benton, Illinois has the in-house technological capability to efficiently and quickly conduct all necessary coal quality tests.

New Section 47 of the Civil Administrative Code of Illinois, enacted by P.A. 88-0599, effective September 1, 1994, authorizes the Department to test the quality of coal purchased under State contracts and charge a reasonable fee for this service. New Section 140.30 outlines the testing procedures the Department will follow to ensure that the coal consumed in



## DEPARTMENT OF MINES AND MINERALS

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State-owned buildings meets the environmental and energy specifications set by State contracts. In addition, new Section 140.30 outlines the procedures to be followed by all State agencies that request the Department's testing services. Finally, new Section 140.30 establishes the fee charged by the Department to defray the costs of the coal quality testing program.

- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives:  
This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 12) Information and questions regarding these rules shall be directed to:

John C. Henriksen, General Counsel  
Illinois Department of Mines and Minerals  
300 West Jefferson, Suite 300  
P.O. Box 10137  
Springfield, IL 62791-0137

The full text of the Emergency Rules begins on the next page.

## DEPARTMENT OF MINES AND MINERALS

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF MINES AND MINERALS  
PART 140  
THE COAL MINING ACT

Section  
140.10  
140.20  
140.30  
EMERGENCY

Plans to be Submitted to the Department  
Requirement Concerning Removal of Vehicle Wheels, Tires, and Valve Cores  
Coal Quality Testing Program

**AUTHORITY:** Implementing and authorized by Sections 2.02 and 2.12 of the Coal Mining Act [225 ILCS 705/2.02 and 2.12], and by P.A. 88-0599, adopted September 1, 1994 [20 ILCS 1905/47].

**SOURCE:** Adopted May 13, 1975; codified at 8 Ill. Reg. 8509; emergency amendment added at 18 Ill. Reg. 15167, effective October 1, 1994, for a maximum of 150 days.

**Section 140.30 Coal Quality Testing Program**  
EMERGENCY

- a) The Department of Mines and Minerals' (Department) analytical laboratory, located in Benton, Illinois, is authorized to test the quality of coal delivered under State coal purchase contracts.
- b) The Department shall analyze samples taken from coal shipments under State contracts provided by any agency or institution of the State of Illinois, hereinafter called the delivering agency, if such samples are:
  - 1) submitted in the 6 pound increments required for analysis, with a minimum of 6 pounds of coal per sample bag and a maximum of 42 pounds of coal per sample bag (any variation to this sampling process must follow guidelines set by ASTM Standard D-2234-89 found at pp. 270-281 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103);
  - 2) identified as having been submitted by a specific delivering agency;
  - 3) received by the Department's Benton, Illinois analytical laboratory by the 10th day of the month; and
  - 4) collected as required by ASTM Standard D-2234-89 found at pp. 270-281 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
- c) Upon receiving an acceptable sample bag from a delivering agency, the Department shall grind the coal to the specifications of ASTM Standard



DEPARTMENT OF MINES AND MINERALS  
NOTICE OF EMERGENCY AMENDMENTS

- 7 to 8 bags \$95
- 9 to 10 bags \$105
- 11 to 12 bags \$120
- 13 to 14 bags \$135
- 15 to 16 bags \$150
- For every 2 additional bags \$15

- g) The Department shall charge \$50.00 extra for each sample bag submitted by a delivering agency after the 10th day of the month.
- h) The 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, does not include any subsequent amendments or editions.

(Source: Emergency amendment added at 18 Ill. Reg. 15.000, effective October 1, 1994, for a maximum of 150 days)

DEPARTMENT OF MINES AND MINERALS  
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D-2013-86 found at page 245 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, by using a hammermill crusher or equivalent device, as follows:

- 1) The crusher shall be completely enclosed to avoid the loss of dust or moisture.
- 2) The coal in each sample bag shall be mixed (ground by crusher) to form an initial composite sample as stated in ASTM Standard D-2013-86 found at page 245 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
- 3) The initial composite sample shall be reduced to 1,000 grams and divided into two (2) 500 gram samples. The Department shall then dry one of the 500 gram samples to the specifications outlined in ASTM Standard D-2013-86 found at page 247 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. After drying, this 500 gram sample shall then be processed in accordance with subsection (c)(4) below. The undried 500 gram sample shall be held in reserve should more than one test be required.
- 4) The 500 gram sample used for immediate analysis shall be placed on a spin wheel mixer for 15 minutes, then analyzed for percent of moisture, percent of ash, percent of sulphur and BTUs, in accordance with subsection (d) below.
- d) The Department shall analyze the 500 gram sample using testing procedures that conform to the following specifications found in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:
  - 1) ASTM Standard D-3302-91 (percent of moisture), pp.358-364;
  - 2) ASTM Standard D-3174-89 (percent of ash), pp.324-326;
  - 3) ASTM Standard D-4239-93 (percent of sulphur), pp. 392-400; and
  - 4) ASTM Standard D-1989-92 (BTUs), pp. 237-244.
- e) The results of the analysis shall be reported to the delivering agency in accordance with subsection (f) below. The Department shall retain the undried 500 gram sample for 30 days from the date the results of the analysis are sent to the delivering agency.
- f) The Department shall report the results of its coal quality analysis to the delivering agency within two weeks of the Department's receipt of a coal sample acceptable for testing, and will submit a bill for the coal quality analysis performed, based upon the following schedule:

Number of sample bags tested per month	Fee
1 to 2 bags	\$50
3 to 4 bags	\$65
5 to 6 bags	\$80



## ILLINOIS DEPARTMENT OF THE LOTTERY

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

1) Heading of the Part: Hearings2) Code Citation: 11 Ill. Adm. Code 1700

<u>Section Numbers:</u>	<u>Action:</u>
1700.10	Withdrawal
1700.30	Withdrawal
1700.50	Withdrawal
1700.120	Withdrawal
1700.140	Withdrawal
1700.150	Withdrawal
1700.160	Withdrawal
1700.180	Withdrawal
1700.190	Withdrawal
1700.200	Withdrawal
1700.210	Withdrawal

4) Date Notice of Proposed Amendments Published in the Illinois Register:

May 13, 1994                      18 Ill. Reg. 7186

5) Reason for the Withdrawal: These proposed amendments were published in error. The correct proposed amendments were published at 18 Ill. Reg. 5394 on April 8, 1994, and adopted at 18 Ill. Reg. 11168 on July 15, 1994.

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION  
OMNIBANC CORPORATION, RIVER ROUGE, MICHIGAN  
TO ACQUIRE INDECORP, INC., CHICAGO, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by OmniBanc Corporation, 10474 W. Jefferson Avenue, River Rouge, Michigan, 48218 to acquire Indecorp, Inc., 7936 South Cottage Grove, Chicago, Illinois, 60610.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour  
Commissioner of Banks and Trust Companies  
310 South Michigan Ave.  
Suite 2130  
Chicago, Illinois 60604



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:00 A.M.  
OCTOBER 11, 1994

**NOTICES:** Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at its October meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Agriculture

Animal Diagnostic Laboratory Act (8 Ill Adm Code 110)  
-First Notice Published: 18 Ill Reg 8981 - 6/24/94  
-Expiration of Second Notice Period: 10/30/94

Central Management Services

Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 18 Ill Reg 10979 - 7/15/94  
-Expiration of Second Notice Period: 10/23/94

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Children and Family Services

Client Service Planning (89 Ill Adm Code 305)  
-First Notice Published: 18 Ill Reg 6467 - 5/6/94  
-Expiration of Second Notice Period: 10/13/94

Commerce and Community Affairs

Technology Advancement and Development Act Programs (14 Ill Adm Code 545)  
-First Notice Published: 18 Ill Reg 11411 - 7/22/94  
-Expiration of Second Notice Period: 10/21/94

Labor Management Program (14 Ill Adm Code 620)

-First Notice Published: 18 Ill Reg 9667 - 7/1/94  
-Expiration of Second Notice Period: 10/14/94

Conservation

White-Tailed Deer Hunting Season by Use of Handguns (17 Ill Adm Code 680)  
-First Notice Published: 18 Ill Reg 10998 - 7/15/94  
-Expiration of Second Notice Period: 10/16/94

Rural Community Fire Protection Program (17 Ill Adm Code 1570)

-First Notice Published: 18 Ill Reg 12016 - 8/5/94  
-Expiration of Second Notice Period: 11/5/94

Higher Education

Health Services Education Grants Act (23 Ill Adm Code 1020)  
-First Notice Published: 18 Ill Reg 11684 - 7/29/94  
-Expiration of Second Notice Period: 10/28/94

Housing Development Authority

Homeowner Mortgage Revenue Bond Program (47 Ill Adm Code 260)  
-First Notice Published: 18 Ill Reg 8293 - 6/3/94  
-Expiration of Second Notice Published: 10/11/94

Human Rights

Procedural (56 Ill Adm Code 2520)  
-First Notice Published: 18 Ill Reg 9821 - 7/1/94  
-Expiration of Second Notice Period: 10/20/94

Insurance

Group Coverage Discontinuance and Replacement (50 Ill Adm Code 2013)  
-First Notice Published: 18 Ill Reg 8320 - 6/3/94  
-Expiration of Second Notice Period: 10/30/94



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

## AGENDA

Pre-Licensing and Continuing Education (50 Ill Adm Code 3119)  
 -First Notice Published: 18 Ill Reg 3964 - 3/18/94  
 -Expiration of Second Notice Period: 11/5/94

Nuclear Safety

Licensing Requirements for Land Disposal of Radioactive Waste (32 Ill Adm Code 601)

-First Notice Published: 18 Ill Reg 10519 - 7/8/94  
 -Expiration of Second Notice Period: 10/30/94

Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation (32 Ill Adm Code 606)

-First Notice Published: 18 Ill Reg 10524 - 7/8/94  
 -Expiration of Second Notice Period: 10/30/94

Pollution Control Board

Office of the State Fire Marshal Appeals (35 Ill Adm Code 107)

-First Notice Published: 18 Ill Reg 11427 - 7/22/94  
 -Expiration of Second Notice Period: 11/4/94

Definitions and General Provisions (35 Ill Adm Code 211) (R94-15)

-First Notice Published: 18 Ill Reg 9228 - 6/24/94  
 -Expiration of Second Notice Period: 11/4/94

Definitions and General Provisions (35 Ill Adm Code 211) (R94-16)

-First Notice Published: 18 Ill Reg 10536 - 7/8/94  
 -Expiration of Second Notice Period: 11/4/94

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)

-First Notice Published: 18 Ill Reg 9242 - 6/24/94  
 -Expiration of Second Notice Period: 11/4/94

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218) (R94-16)

-First Notice Published: 18 Ill Reg 10549 - 7/8/94  
 -Expiration of Second Notice Period: 11/4/94

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)

-First Notice Published: 18 Ill Reg 9272 - 6/24/94  
 -Expiration of Second Notice Period: 11/4/94

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)

-First Notice Published: 18 Ill Reg 10584 - 7/8/94  
 -Expiration of Second Notice Period: 11/4/94

Professional Regulation

Illinois Occupational Therapy Practice Act (68 Ill Adm Code 1315)  
 -First Notice Published: 18 Ill Reg 11447 - 7/22/94  
 -Expiration of Second Notice Period: 10/20/94

Podiatric Medical Practice Act of 1987 (68 Ill Adm Code 1360)  
 -First Notice Published: 18 Ill Reg 11451 - 7/22/94  
 -Expiration of Second Notice Period: 10/28/94

Public Aid

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 18 Ill Reg 4597 - 3/25/94  
 -Expiration of Second Notice Period: 11/5/94

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 18 Ill Reg 9296 - 6/24/94  
 -Expiration of Second Notice Period: 10/23/94

Developmental Disabilities Services (89 Ill Adm Code 144)

-First Notice Published: 18 Ill Reg 11079 - 7/15/94  
 -Expiration of Second Notice Period: 11/5/94

Long Term Care Reimbursement Changes (89 Ill Adm Code 153)

-First Notice Published: 18 Ill Reg 11082 - 7/15/94  
 -Expiration of Second Notice Period: 10/28/94

Public Health

Illinois Water Well Construction Code (77 Ill Adm Code 920)

-First Notice Published: 18 Ill Reg 11113 - 7/15/94  
 -Expiration of Second Notice Period: 10/11/94

Secretary of State

Issuance of Licenses (92 Ill Adm Code 1030)

-First Notice Published: 18 Ill Reg 11924 - 7/29/94  
 -Expiration of Second Notice Period: 11/4/94

**EMERGENCY AND PEREMPTORY RULEMAKINGS**Agriculture

Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
 -Notice Published: 18 Ill Reg 14475 - 9/23/94



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Central Management Services

Pay Plan (80 Ill Adm Code 310) (Emergency)  
-Notice Published: 18 Ill Reg 14417 - 9/23/94

Children and Family Services

Relative Home Placement (89 Ill Adm Code 335)  
-Notice Published: 18 Ill Reg 14436 - 9/23/94

Commerce Commission

Applications (92 Ill Adm Code 1202) (Emergency)  
-Notice Published: 18 Ill Reg 14157 - 9/9/94

Health Care Cost Containment Council

Data Collection (77 Ill Adm Code 2510) (Emergency)  
-Notice Published: 18 Ill Reg 14809 - 9/30/94

Public Health

Illinois Plumbing Code (77 Ill Adm Code 890) (Emergency)  
-Notice Published: 18 Ill Reg 14444 - 9/23/94

**EXPEDITED CORRECTION**Illinois Industrial Commission

Judicial Review (50 Ill Adm Code 7060)

**AGENCY RESPONSES**Children and Family Services

Licensing Standards for Foster Family Homes (89 Ill Adm Code 402) (Emergency)  
-First Published: 6/3/94  
-Recommendation Date: 6/14/94  
-Response: No Response

Labor

Health and Safety (56 Ill Adm Code 350)  
-First Published: 2/4/94  
-Objection Date: 7/19/94  
-Response: Refusal

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Professional Regulation

Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)  
-First Published: 7/23/93  
-Objection Date: 6/14/94  
-Response: Agreement

Secretary of State

Cancellation, Revocation or Suspension of License or Permits (92 Ill Adm Code 1040)

-First Published: 2/18/94  
-Recommendation Date: 5/17/94  
-Response: Agreement



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 20, 1994 through September 26, 1994, and have been scheduled for review by the Committee at its October 11, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/4/94	Pollution Control Board, Office of the State Fire Marshal Appeals (35 Ill Adm Code 107)	7/22/94 18 Ill Reg 11427	10/11/94
11/4/94	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	6/24/94 18 Ill Reg 9228	10/11/94
11/4/94	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	7/8/94 18 Ill Reg 10536	10/11/94
11/4/94	Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)	7/8/94 18 Ill Reg 10549	10/11/94
11/4/94	Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)	6/24/94 18 Ill Reg 9242	10/11/94
11/4/94	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)	6/24/94 18 Ill Reg 9272	10/11/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/4/94	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)	7/8/94 18 Ill Reg 10584	10/11/94
11/4/94	Secretary of State, Issuance of Licenses (92 Ill Adm Code 1030)	7/29/94 18 Ill Reg 11924	10/11/94
11/5/94	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/25/94 18 Ill Reg 4597	10/11/94
11/5/94	Department of Insurance, Pre-Licensing and Continuing Education (50 Ill Adm Code 3119)	3/18/94 18 Ill Reg 3964	10/11/94
11/5/94	Department of Conservation, Rural Community Fire Protection Program (17 Ill Adm Code 1570)	8/5/94 18 Ill Reg 12016	10/11/94
11/5/94	Department of Public Aid, Developmental Disabilities Services (89 Ill Adm Code 144)	7/15/94 18 Ill Reg 11079	10/11/94



## PROCLAMATIONS

94-505

## DEAF WAY ILLINOIS DAYS

Whereas, Deaf Way Illinois is the first festival to take place in Illinois promoting the culture, history, language, art, and education of deaf Americans; and

Whereas, there are more than 1.9 million citizens within the State of Illinois who are deaf or hard of hearing; and

Whereas, consumers and organizations representing people who are deaf or hard of hearing have come together to plan this historic celebration; and

Whereas, representatives from a wide area of leadership in the United States of America serving the deaf or hard of hearing population will be participating in this significant event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22-25, 1994, as DEAF WAY ILLINOIS DAYS in Illinois and I urge all of our citizens to acknowledge the richness of deaf culture and the contributions to our society of people who are deaf.

Issued by the Governor September 16, 1994.

Filed with the Secretary of State September 26, 1994.

94-506

## HEALTH CARE FOOD SERVICE WORKER WEEK

Whereas, food service is an integral part of the complete realm of services rendered to hospital and nursing home patients; and

Whereas, conscientious, professional food service employees who work diligently to serve appetizing, nutritious and cost-efficient food sometimes provide the brightest spot in a patient's day; and

Whereas, menu planners, chefs, cooks, administrators, dietitians, cafeteria staff, aides, and volunteers work in conjunction with other professionals to provide the best possible patient care available;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-8, 1994, as HEALTH CARE FOOD SERVICE WORKER WEEK in Illinois.

Issued by the Governor September 16, 1994.

Filed with the Secretary of State September 26, 1994.

94-507

## ILLINOIS ECONOMIC EDUCATION AWARENESS DAY

Whereas, the Illinois Council on Economic Education (ICEE) is a nonprofit corporation created to help Illinois citizens improve their understanding of economics; and

Whereas, the primary focus of the council is working with teachers and administrators to integrate economics into the school curriculum and increase students' economic understanding; and

Whereas, ICEE administrative offices at Northern Illinois University in DeKalb work through a network of centers for Economic Education located at universities and colleges throughout Illinois; and

Whereas, the council and its centers deliver four statewide programs to Illinois classrooms: the Developmental Economic Education Program (DEEP), the Stock Market Game, Illinois Awards for Excellence in the Teaching of Economics,

and Illinois Business Week; and

Whereas, the council represents a strong partnership between education, business, labor, and government and offers a cost-efficient, effective process which has a lasting impact;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20, 1994, as the second anniversary of ILLINOIS ECONOMIC EDUCATION AWARENESS DAY in Illinois.

Issued by the Governor September 16, 1994.

Filed with the Secretary of State September 26, 1994.

94-508

## LUPUS AWARENESS MONTH

Whereas, Lupus Erythematosus is a degenerative, chronic inflammatory disease of the connective tissue that binds the body's cells together. It may be confined to the skin or may affect joints and internal organs; and

Whereas, more than one-half million Americans suffer from this progressive disease, and most of them are young women; and

Whereas, although the cause is still unknown, the prognosis for Lupus sufferers has greatly improved. Massive research programs have resulted in the prevention of disability, control of fatal complications, and prolonged survival; and

Whereas, the American Lupus Society provides assistance and support to our citizens through its community chapters;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as LUPUS AWARENESS MONTH in Illinois and commend the Lupus Foundation of America on its efforts to find a cure for this complicated and unpredictable disease.

Issued by the Governor September 16, 1994.

Filed with the Secretary of State September 26, 1994.

94-509

## WOODSTOCK CHAMBER OF COMMERCE AND INDUSTRY DAY

Whereas, the fostering of economic development is critical to Illinois' future; and

Whereas, for 50 years the Woodstock Chamber of Commerce and Industry has recognized that fact and focused their energies on the accomplishments of economic development; and

Whereas, their efforts have paid vast dividends, not only to Woodstock and its citizens but to McHenry County and the State of Illinois as a whole; and

Whereas, the Woodstock Chamber of Commerce and Industry survived despite two and one-half years of Dave Vite's leadership;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 22, 1994, as WOODSTOCK CHAMBER OF COMMERCE AND INDUSTRY DAY in Illinois in recognition of their 50th anniversary and their consistent and noteworthy dedication to economic development.

Issued by the Governor September 7, 1994.

Filed with the Secretary of State September 26, 1994.

94-510

JAMES R. FOSTER DAY



Whereas, Carpenters Local 16 of the Mid-Central Illinois District Council of Carpenters, which is affiliated with the United Brotherhood of Carpenters & Joiners of America, has employed James R. Foster for the past 22 years; and

Whereas, he has served Carpenters Local 16 as a business representative, business manager, and financial secretary; and

Whereas, he has overseen the management of Carpenters Local 16, which has a membership of more than 900 members including many apprentices; and

Whereas, he has served as delegate to the Springfield and Central Illinois Building and Trades Council, the Springfield Trades and Labor Council, trustee of the Springfield and East Central Illinois Joint Apprentice and Training Committees, trustee and past chairman of the Illinois Employee Benefit Funds Corporation, delegate to the Mid-Central Illinois District Council of Carpenters, and has served on many additional boards and committees; and

Whereas, he has diligently worked to provide the best possible insurance coverage for fellow union members; and

Whereas, he has accomplished this while being a very strong leader, putting the best interest of his members foremost, is a good listener, and has exercised diversity, all the while maintaining an excellent sense of humor;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 1, 1994, as JAMES R. FOSTER DAY in Illinois.

Issued by the Governor September 20, 1994.

Filed with the Secretary of State September 26, 1994.

94-511

#### LEARNING DISABILITIES MONTH

Whereas, learning disabilities threaten one of our most precious rights--the right to learn; and

Whereas, one million adults and children throughout Illinois, including 15 percent of all school age children, suffer from learning disabilities; and

Whereas, learning disabilities usually stem from delayed or distorted development of the central nervous system. Such disabilities can prevent normal learning behavior, even in individuals with average or above-average intelligence and can keep youngsters from reaching their full potential; and

Whereas, an individual approach is beneficial to these youngsters when dealing with their educational, psychological, and medical needs. Early diagnosis of their disabilities and proper remediation allow them to become productive citizens in our society; and

Whereas, organizations such as the Learning Disabilities Association of Illinois, Inc., are instrumental in providing classes, tutor referrals, seminars, and information for the treatment of learning disabilities.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 1994 as LEARNING DISABILITIES MONTH in Illinois. Issued by the

Governor September 20, 1994. Filed with the Secretary of State September

26, 1994.

94-512

#### MALCOLM X COLLEGE DAY

Whereas, on September 29, 1969, Crane Junior College was renamed Malcolm X College in honor of the slain human rights activist and nationalist leader, Malcolm X--El Hajj Malik El Shabazz--and in recognition of the West Side community's self-empowerment initiatives; and

Whereas, Malcolm X College, one of the City Colleges of Chicago, serves a culturally rich and diverse community and is dedicated to "Empowerment Through Education"; and

Whereas, in the past 25 years, Malcolm X College has asserted its role as a comprehensive community college, offering innovative and progressive programs in Radiology, Nursing, Dietetic Technology, Nephrology-Renal Technology, Medical Laboratory Technology, Cardiopulmonary Therapy, Pharmacology, Physician Assistant Training, Emergency Medical Technology/Paramedic Training, Mortuary Science/Pathology Assistant Training, Child Development, Business, Office Information Science, Liberal Arts, Adult Education, and Continuing Education, while providing preparation for transfer to baccalaureate granting institutions; and

Whereas, on September 29, 1994, Malcolm X College will conclude the observance of its 25th Anniversary with an "all class" alumni reunion and dinner to support student scholarships and program development initiatives, and affirming a new commitment to educational excellence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

September 29, 1994, as MALCOLM X COLLEGE DAY in Illinois.

Issued by the Governor September 20, 1994.

Filed with the Secretary of State September 26, 1994.

94-513

#### PET MONTH

Whereas, the Illinois State Veterinary Medical Association (ISVMA) and its member veterinarians dedicate their efforts and resources to the health, safety, and well-being of animals; and

Whereas, it is the objective of the ISVMA to advance the science of veterinary medicine, including its relationship to public health, biological sciences, and agriculture; and

Whereas, the ISVMA is the voice of the veterinary profession in Illinois in presenting its views to government, academia, agriculture, pet owners, the media, and the public; and

Whereas, the ISVMA maintains an ongoing working relationship with the Department of Professional Regulation, Public Health, Agriculture, and the University of Illinois, College of Veterinary Medicine; and

Whereas, it is estimated that there are more than 4,500,000 domesticated dogs and cats in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 1994 as PET MONTH in Illinois.

Issued by the Governor September 20, 1994.

Filed with the Secretary of State September 26, 1994.

94-514

#### SINGLE PARENTS DAY

Whereas, being a working single parent is a contradicting, yet rewarding task for the parent and child or children involved; and

Whereas, single men and women have to work a full shift at their place of employment, then prepare themselves for the next shift of work at home as single parents; and

Whereas, single parents have to go through the endless struggle of trying to be both mother and father to their child or children; and



Whereas, Mother's Day and Father's Day do not provide enough recognition for these parents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3, 1994, as SINGLE PARENTS DAY in Illinois.

Issued by the Governor September 20, 1994.

Filed with the Secretary of State September 26, 1994.

## 94-515

## BREAST CANCER AWARENESS MONTH/MAMMOGRAPHY DAY

Whereas, in 1994, more than 8,550 Illinois women will be diagnosed as having breast cancer, the most common form of cancer in women; and

Whereas, nearly 25 percent of women who develop breast cancer die from it because the disease is detected too late; and

Whereas, only about 9 percent of breast cancers in Illinois are detected at the earliest and most curable stage, increasing the survival rate to approximately 96 percent; and

Whereas, research shows that deaths from breast cancer could be reduced by at least 30 percent if women follow breast cancer screening recommendations, including routine mammography, regular examinations by a physician, and monthly self-examinations; and

Whereas, mammography is the single best method for detecting breast cancer in women; and

Whereas, First Lady Brenda Edgar is helping to lead the public awareness efforts throughout the State of Illinois in partnership with the Illinois Chapter of the American Cancer Society, the Illinois State Medical Society Alliance, and the Illinois Department of Public Health and Aging;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as BREAST CANCER AWARENESS MONTH and October 19, 1994, as MAMMOGRAPHY DAY in Illinois and encourage women throughout the state to protect themselves through early detection.

Issued by the Governor September 21, 1994.

Filed with the Secretary of State September 26, 1994.

## 94-516

## CARITAS CALYPSO DAY

Whereas, since 1953, Caritas (Latin for charity) has raised more than \$2 million dollars for developmentally disabled children and young adults; and

Whereas, most recently they have concentrated their fund raising efforts toward building intermediate care facilities for young adults with severe mental and physical disabilities. The Caritas House is one such facility, housing 15 young adults for the rest of their lives and providing them with greater opportunities to share in the triumphs, as well as decisions and responsibilities of daily life in the community; and

Whereas, the Caritas Children's Center, located at St. Coletta's of Illinois/Kennedy School's Palos Park campus, was recently opened as a short-term crisis placement for infants and toddlers who have been abandoned, abused, or neglected; and

Whereas, each year more than 600 people attend the annual benefit providing more than \$100,000 annually, the main source of funding for the center; and

Whereas, the 42nd Annual Benefit will be held on October 8th at the Hotel

Nikko;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8, 1994, as CARITAS CALYPSO DAY in Illinois.

Issued by the Governor September 21, 1994.

Filed with the Secretary of State September 26, 1994.

## 94-517

## INTERNATIONAL DAY OF PEACE

Whereas, there never has been a time in history more than now for concern and action to control violence, the abuse of women and children, and the spread of racial and religious wars; to provide conflict-solving skills in the home and schools; to abolish nuclear weapons for the survival of our civilization; to provide an acceptable universal health care program; to encourage prison reform, providing simple food and exercise and character training; to protect our environment and keep it safe and clean; and to provide humanitarian aid when needed and give support to free democratic elections; and

Whereas, in November 1981 the United Nations provided a day officially dedicated and observed as International Day of Peace by the General Assembly, a day set aside to be devoted to commemorating and strengthening the ideals of peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 21, 1994, as INTERNATIONAL DAY OF PEACE in Illinois and urge all citizens to work toward a better community, nation, and world.

Issued by the Governor September 21, 1994.

Filed with the Secretary of State September 26, 1994.

## 94-518

## TOWN OF LAKE CLUB DAY

Whereas, on October 26, 1984, eight businessmen who lived in the vicinity of 47th and Ashland in Chicago, an area known as the Town of Lake, organized a social club for men; and

Whereas, it would come to be known as the Town of Lake Hunting and Fishing Club; and

Whereas, the members leased a piece of property on the south bank of the Kankakee River, east of Mokence, which they used as a campground to hunt and fish; and

Whereas, in 1917 they purchased more than 13 acres of land on the north bank of the Kankakee River, one mile west of the Illinois-Indiana state line, which is now the present site of the Town of Lake Club; and

Whereas, summer cottages were built on the property and it became a family-oriented organization; and

Whereas, through the years, the cottages have been improved and some converted to year-round homes, and presently the Town of Lake is a full-time residential community with 22 members; and

Whereas, on October 1, 1994, present and past members of the town of Lake Club are celebrating its centennial;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1, 1994, as THE TOWN OF LAKE CLUB DAY in Illinois.

Issued by the Governor September 21, 1994.

Filed with the Secretary of State September 26, 1994.



94-519

## AMIGOS DE SER DAY

Whereas, SER Jobs for Progress, Inc. is a national organization that focuses on the unemployment and training needs of Hispanic Americans and has been recognized throughout the nation and by Congress as "a community-based organization of demonstrated effectiveness"; and

Whereas, since 1987, SER (Service, Employment, and Redevelopment) has provided employment and training services to thousands of individuals in our state; and

Whereas, a group of our nation's major corporations has forged a new partnership with SER to provide private assistance in the employment, education, and training process; and

Whereas, the Amigos de SER Business Recognition Luncheon will be held October 12;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 12, 1994, as AMIGOS DE SER DAY in Illinois.

Issued by the Governor September 22, 1994.

Filed with the Secretary of State September 26, 1994.

94-520

## FREE SONS OF ISRAEL WEEK

Whereas, the Free Sons of Israel is the oldest Jewish fraternal benefit order in United States, established in 1849; and

Whereas, they have always upheld the democratic principles on which the Constitution of the United States was founded; and

Whereas, the Free Sons of Israel has always fought anti-Semitism and worked on behalf of Soviet Jewry; and

Whereas, they have always supported the State of Israel, the only democracy in the Middle East; and

Whereas, this organization has donated \$100,000 to the Holocaust Memorial Museum in Washington, D.C.; and

Whereas, the Free Sons of Israel have always raised money for old age homes and hospitals and many other organizations which help handicapped and under privileged children; and

Whereas, they have donated thousands of toys during the holiday season to children of all denominations; and

Whereas, they offer scholarships to worthy students in order to encourage them to seek a college education;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 31-November 6, 1994, as FREE SONS OF ISRAEL WEEK in Illinois, to commemorate this organization's 145th anniversary.

Issued by the Governor September 22, 1994.

Filed with the Secretary of State September 26, 1994.

94-521

## REVEREND JOHN R. CORTELYOU DAY

Whereas, in 1943 the Very Reverend John R. Cortelyou came to DePaul University as a Professor of Biology and in 1951 was named the chairman of that department; and

Whereas, in 1960 Rev. Cortelyou became the Superior of the Vincentian

Fathers of Chicago; and

Whereas, in 1961 Rev. Cortelyou was appointed as Coordinator of the Science Departments; and

Whereas, in 1964 Rev. Cortelyou was named the eighth President of DePaul University; and

Whereas, on September 1, 1994, the Very Reverend John R. Cortelyou completed his 50th year of service with DePaul University;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3, 1994, as REVEREND JOHN R. CORTELYOU DAY in Illinois.

Issued by the Governor September 22, 1994.

Filed with the Secretary of State September 26, 1994.

94-522

## ADOPTION AWARENESS MONTH

Whereas, adoption is a rewarding and enriching experience for all involved; and

Whereas, an adoptive family provides a child with a stable, loving home; and

Whereas, 365 children are currently awaiting adoption in our state, and among them are minorities, sibling groups, older children, and children with disabilities; and

Whereas, Help Me Grow, Brenda Edgar's children's project; One Church, One Child; the Illinois Department of Children and Family Services; the Child Care Association's Adoption Information Center and other adoption and support groups statewide encourage all families to consider adopting a child in need of a home; and

Whereas, to draw attention to Illinois' waiting children and the need for adoptive families, several activities will be held during November;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1994 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor September 23, 1994.

Filed with the Secretary of State September 26, 1994.

94-523

## CHINESE DOUBLE TEN DAY

Whereas, the Republic of China on Taiwan has made its mark as the 14th largest trading nation in the world, and ranks 7th in outbound investment, 20th in gross national product, and 25th in per capita income; and

Whereas, the Republic of China on Taiwan and the State of Illinois share a strong tie of friendship through the Sister State Agreement; and

Whereas, October 10, 1994, denotes the 83rd anniversary of the founding of the Republic of China, a milestone worthy of recognition and celebration; and

Whereas, Chinese-American citizens have made significant contributions to the social and economic growth of Illinois; and

Whereas, the State of Illinois recognizes the strong efforts of the Republic of China on Taiwan for inclusion into the United Nations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10, 1994, as CHINESE DOUBLE TEN DAY in Illinois and encourage all Illinoisans to join in this observance and to show appreciation for the contributions of the Chinese-American citizens of our state.

Issued by the Governor September 23, 1994.



Filed with the Secretary of State September 26, 1994.

94-524  
CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER'S  
125TH ANNIVERSARY CELEBRATION

Whereas, Clyde Choate Mental Health and Developmental Center, the former Anna State Mental Hospital, is celebrating 125 years of service for individuals with mental and developmental disabilities; and

Whereas, Choate Center is proud of their long history of providing high-standard care; and

Whereas, Choate Center is looking forward to major renovations to their facility which will improve conditions for residents and create a better environment for therapy; and

Whereas, since 1869, past and present staff and managers of Choate Center have dedicated themselves to providing quality care to their residents and to being a positive influence in their community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 8-9, 1994, as the kick-off weekend for CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER'S 125TH ANNIVERSARY CELEBRATION which culminates in December 1994.

Issued by the Governor September 23, 1994.

Filed with the Secretary of State September 26, 1994.

94-525

MENTAL ILLNESS AWARENESS WEEK

Whereas, during any six-month period, 27 million American adults and 12 million children suffer from a diagnosable mental illness and one in three Americans will experience a mental illness at some point in their life; and

Whereas, only one person in five seeks appropriate treatment for these treatable medical illnesses -- many times because of self-imposed silence or fear of social stigma; and

Whereas, a recent study issued by the National Advisory Mental Health Council provides sweeping evidence that treatment for mental illnesses are as effective and sometimes more effective than treatments for other medical illnesses; and

Whereas, the Alliance for the Mentally Ill of Illinois and the Illinois Department of Mental Health and Developmental Disabilities are joining in a nationwide coalition of organizations recognizing Mental Illness Awareness Week during October 2-8, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-8, 1994, as MENTAL ILLNESS AWARENESS WEEK in Illinois to increase public awareness and understanding of mental health and wellness.

Issued by the Governor September 23, 1994.

Filed with the Secretary of State September 26, 1994.

94-526

STATEWIDE AFFORDABLE HOUSING WEEK

Whereas, securing decent, safe, accessible, and affordable housing is a part of the American Dream and a goal of Illinois citizens; and

Whereas, efforts to help citizens secure affordable home ownership and

rental housing opportunities are legitimate and necessary activities of both state government and the private sector, as witnessed by the many Illinois citizens who have benefited from state programs; and

Whereas, affordable housing remains only a dream to thousands of Illinois citizens; and

Whereas, reductions in federal housing assistance and rising housing costs have contributed to high rent burdens on senior citizens, low-income families, and others; and

Whereas, access to affordable housing can be achieved through cooperative local, state, and federal efforts; and

Whereas, the talents of grassroots organizations, nonprofit housing professionals, financial institutions, elected officials, state agencies, and others must be combined to address the immense challenge of increased affordable housing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 13-20, 1994, as STATEWIDE AFFORDABLE HOUSING WEEK in Illinois to promote appropriate activities by private and public entities aimed at providing or advocating for accessible, affordable housing for all Illinois citizens.

Issued by the Governor September 23, 1994.

Filed with the Secretary of State September 26, 1994.



8 Ill. Adm. Code 270	Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164;A-9400)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-14769/93;A-1869)
68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)
8 Ill. Adm. Code 125	Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493) (A-11489) (PP-12540) (PP-14475) (A-14924)
8 Ill. Adm. Code 515	Refrigerated Warehouse Act (P-9033) (A-14930)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-14781/93;A-1880) (P-13519)
8 Ill. Adm. Code 600	Weights and Measures Act (E-4426) (A-8519) (A-14692)
<b>ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF</b>	
77 Ill. Adm. Code 2090	Subacute Alcoholism and Substance Abuse Treatment Services (P-5029) (C-8731) (A-14223)
<b>ATTORNEY GENERAL</b>	
14 Ill. Adm. Code 200	Franchise Disclosure Act (PP-2522)
<b>AUDITOR GENERAL</b>	
2 Ill. Adm. Code 601	Freedom of Information (A-7739)
2 Ill. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)
<b>BANKS AND TRUST COMPANIES, COMMISSIONER OF</b>	
38 Ill. Adm. Code 380	Eligible State Bank (P-19347/93;A-4630)
38 Ill. Adm. Code 335	Unimpaired Capital & Unimpaired Surplus (E-11662) (P-13169)
<b>CARNIVAL-AMUSEMENT SAFETY BOARD</b>	
56 Ill. Adm. Code 6000	Carnival and Amusement Park Inspection Law (P-6040) (A-13384)
<b>CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF</b>	
44 Ill. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
74 Ill. Adm. Code 900	Joint Rules Of The Comptroller & The Department Of Central Management Services: Prompt Payment (A-11498)
80 Ill. Adm. Code 302	Merit & Fitness (P-14788/93;A-1892) (P-12937)
80 Ill. Adm. Code 310	Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146) (PP-9562) (P-10979) (E-11299) (P-12008) (PP-13476) (P-14256) (E-14417)
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (A-3115) (RC-3151)
80 Ill. Adm. Code 2800	Travel (P-12567)

**ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF**

**ATTORNEY GENERAL**

**AUDITOR GENERAL**

**BANKS AND TRUST COMPANIES, COMMISSIONER OF**

**CARNIVAL-AMUSEMENT SAFETY BOARD**

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**

<b>ACTION CODES</b>	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	Objections
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
<b>*Joint Committee on Administrative Rules</b>	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

<b>AGING, DEPARTMENT ON</b>	
89 Ill. Adm. Code 240	Community Care Program (P-14225/93;A-609) (E-5355) (P-5027) (A-13375)
89 Ill. Adm. Code 260	Long-Term Care Insurance Partnership Demonstration Program (P-3802; A-9895)
89 Ill. Adm. Code 230	Older Americans Act Program (P-5720) (A-14072)
<b>AGRICULTURE, DEPARTMENT OF</b>	
8 Ill. Adm. Code 30	Animal Control Act (P-8972) (A-14891)
8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-14717/93;A-1825) (P-8981) (P-9027)
8 Ill. Adm. Code 25	Animal Welfare Act (P-8993) (A-14898)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-14728/93;A-1833)
8 Ill. Adm. Code 257	Cooperative Groundwater Protection Program (P-14288/93;A-205)
8 Ill. Adm. Code 20	Definitions (P-14793;A-1844)
8 Ill. Adm. Code 85	Diseased Animals (P-14747/93;A-1850)
8 Ill. Adm. Code 116	Equine Infectious Anemia Control (P-14761/93;A-1861)
68 Ill. Adm. Code 590	Feeder Swine Dealer Licensing (P-14765/93;A-1865)
8 Ill. Adm. Code 70	Horsemeat (P-9003) (A-14906)
8 Ill. Adm. Code 35	Humane Care for Animals Act (P-9008) (A-14909)
8 Ill. Adm. Code 50	Humane Slaughter of Livestock (P-9011) (A-14911)
8 Ill. Adm. Code 90	Illinois Dead Animal Disposal Act (A-14917)



**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

89 Ill. Adm. Code 325 Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765)

89 Ill. Adm. Code 336 Appeal Of Child Abuse And Neglect Investigation Findings (P-11407)

89 Ill. Adm. Code 434 Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944)

89 Ill. Adm. Code 380 Background Check of Foster Family Home Applicants (PR-8779)

89 Ill. Adm. Code 385 Background Checks (P-8219)

89 Ill. Adm. Code 358 Background Inquiry for Purchase of Service Providers (PR-8786)

89 Ill. Adm. Code 305 Client Service Planning (P-6467)

89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)

89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & OtherStatewide & Regional Committees (P-561)

89 Ill. Adm. Code 437 Department of Children and Family Services Employees Conflict of Interest (P-7539)

89 Ill. Adm. Code 384 Discipline & Behavior Management in Child Care Facilities (E-8474) (P-8528)

89 Ill. Adm. Code 314 Educational Services (P-17593/93; A-8366)

89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-11964/93;A-5531) (RC-3152)

89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-8237; RC-10499) (E-8481)

89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93;A-5540) (RC-3153)

89 Ill. Adm. Code 308 Nondiscrimination Requirements Of Department Service Providers (A-11510)

89 Ill. Adm. Code 356 Rate Setting (A-11512)

89 Ill. Adm. Code 335 Relative Home Placements (P-6681/93;A-7444) (E-14436)

89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-18271/93;A-8377) (P-8240)

(P-15218/93;A-8601)

**CIVIL SERVICE COMMISSION**

80 Ill. Adm. Code 1

Civil Service Commission (P-13525)

**CIVIL SERVICE SYSTEM, STATE UNIVERSITIES**

80 Ill. Adm. Code 250 State Universities Civil Service System (P-18453/93;A-1901)

**COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**

47 Ill. Adm. Code 160

Emergency Shelter Grants Program (P-15747/93;A-5163)

14 Ill. Adm. Code 520 Enterprise Zone Program (P-9791/93;A-5172)

14 Ill. Adm. Code 510 Ill. Promotion Act Programs (P-14318/93;A-5813) (P-21905/93;A-8387)

14 Ill. Adm. Code 570 Illinois Small Business Development Program (P-21123/93;A-6112)

56 Ill. Adm. Code 509 Industrial Training Program (P-20063/93;RQ-6022)

14 Ill. Adm. Code 620 Labor-Management Program (P-9667)

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This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-6520). The codes are listed below.

## TYPE OF RULE MAKING

am = amend to existing Section  
cc = codification changes  
n = New section  
r = repeal of existing Section  
re = reclassified  
# = renumbered

## ACTION CODE

A = Adopted Rule  
E = Emergency  
P = Proposed Rule  
PP = Peremptory  
M = Modification  
W = Withdrawal  
CC = Codification Changes  
RQ = Request for Correction  
R = Refusal

PF = Prohibited Filing  
S = Suspension  
O = JCAR Objection  
F = Failure to Remedy Objections  
Objecton

RC = Recommendations  
EC = Expedited Correction  
C = Correction

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100.670	am	(P-7087/A-13067)	220.285	am	(P-13307/93;A-4758)
100.680	am	(P-7087/A-13067)	220.300	am	(P-13307/93;A-4758)
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(Title 1, con't.)

230.600	am	(P-13223/93;A-1233)	260.600	am	(P-13233/93;A-4705)
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230.1005	am	(P-13223/93;A-1233)	260.110	am	(P-13233/93;A-4705)
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230.1245	am	(P-13223/93;A-1233)	260.590	am	(P-13233/93;A-4705)
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230.1340	am	(P-13223/93;A-1233)	260.780	am	(P-13233/93;A-4705)
230.1345	am	(P-13223/93;A-1233)	260.790	am	(P-13233/93;A-4705)
230.1350	am	(P-13223/93;A-1233)	260.800	am	(P-13233/93;A-4705)
230.1355	am	(P-13223/93;A-1233)	260.810	am	(P-13233/93;A-4705)
230.1360	am	(P-13223/93;A-1233)	260.820	am	(P-13233/93;A-4705)
230.1365	am	(P-13223/93;A-1233)	260.830	am	(P-13233/93;A-4705)
230.1370	am	(P-13223/93;A-1233)	260.840	am	(P-13233/93;A-4705)
230.1375	am	(P-13223/93;A-1233)	260.850	am	(P-13233/93;A-4705)
230.1380	am	(P-13223/93;A-1233)	260.860	am	(P-13233/93;A-4705)
230.1385	am	(P-13223/93;A-1233)	260.870	am	(P-13233/93;A-4705)
230.1390	am	(P-13223/93;A-1233)	260.880	am	(P-13233/93;A-4705)
230.1395	am	(P-13223/93;A-1233)	260.890	am	(P-13233/93;A-4705)















(Title 32, con't)

351.2010	am	(P-8674/93.A-3344)	505.160	n	(P-15220/93.A-2317)	107.224	n	(P-11427)
351.2020	am	(P-8674/93.A-3344)	505.170	n	(P-15220/93.A-2317)	107.225	n	(P-11427)
351.2030	am	(P-8674/93.A-3344)	505.180	n	(P-15220/93.A-2317)	107.226	n	(P-11427)
351.3030	am	(P-8674/93.A-3344)	505.190	n	(P-15220/93.A-2317)	107.227	n	(P-11427)
351.3040	am	(P-8674/93.A-3344)	505.1000	n	(P-15220/93.A-2317)	107.228	n	(P-11427)
351.4010	am	(P-8674/93.A-3344)	505.1100	n	(P-15220/93.A-2317)	107.240	n	(P-11427)
351.4020	am	(P-8674/93.A-3344)	505.1200	n	(P-15220/93.A-2317)	107.241	n	(P-11427)
351.4030	am	(P-8674/93.A-3344)	505.1300	n	(P-15220/93.A-2317)	107.242	n	(P-11427)
351.5010	am	(P-8674/93.A-3344)	505.1400	n	(P-15220/93.A-2317)	107.243	n	(P-11427)
351.5010	am	(P-8674/93.A-3344)	505.1500	n	(P-15220/93.A-2317)	107.244	n	(P-11427)
360.10	am	(P-3996.A-11524)	505.1600	n	(P-15220/93.A-2317)	107.245	n	(P-11427)
360.20	am	(P-3996.A-11524)	505.1700	n	(P-15220/93.A-2317)	107.246	n	(P-11427)
360.30	am	(P-3996.A-11524)	505.1800	n	(P-15220/93.A-2317)	107.247	n	(P-11427)
360.40	am	(P-3996.A-11524)	505.1900	n	(P-15220/93.A-2317)	107.260	n	(P-11427)
360.50	am	(P-3996.A-11524)	505.2000	n	(P-15220/93.A-2317)	107.280	n	(P-11427)
360.60	am	(P-3996.A-11524)	505.2100	n	(P-15220/93.A-2317)	107.300	n	(P-11427)
360.100	am	(P-3996.A-11524)	505.2200	n	(P-15220/93.A-2317)	107.301	n	(P-11427)
360.110	am	(P-3996.A-11524)	505.2300	n	(P-15220/93.A-2317)	107.302	n	(P-11427)
360.120	am	(P-3996.A-11524)	505.2400	n	(P-15220/93.A-2317)	107.340	n	(P-11427)
360.160	am	(P-3996.A-11524)	505.2500	n	(P-15220/93.A-2317)	107.341	n	(P-11427)
360.76.A	am	(P-3996.A-11524)	505.2600	n	(P-15220/93.A-2317)	107.342	n	(P-11427)
390.20	am	(P-8666/93.A-3143)	505.2700	n	(P-15220/93.A-2317)	107.360	n	(P-11427)
390.30	am	(P-8666/93.A-3143)	505.2800	n	(P-15220/93.A-2317)	107.361	n	(P-11427)
390.40	am	(P-8666/93.A-3143)	505.2900	n	(P-15220/93.A-2317)	107.362	n	(P-11427)
390.50	am	(P-8666/93.A-3143)	601.230	am	(P-10519)	184.100	n	(P-4)
390.60	am	(P-8666/93.A-3143)	606.10	am	(P-10524)	184.101	n	(P-4)
390.70	am	(P-8666/93.A-3143)	606.30	am	(P-10524)	184.102	n	(P-4)
400.10	am	(P-8665/93.A-3132)		am	(P-10524)	184.103	n	(P-4)
400.110	am	(P-8665/93.A-3132)		am	(P-10524)	184.103	n	(P-4)
400.120	am	(P-8665/93.A-3132)		am	(P-10524)	184.104	n	(P-4)
400.130	am	(P-8665/93.A-3132)		am	(P-10524)	184.105	n	(P-4)
400.140	am	(P-8665/93.A-3132)	106.911	n	(P-16355/93.A-4230)	184.106	n	(P-4)
400.150	am	(P-8665/93.A-3132)	106.912	n	(P-16355/93.A-4230)	184.201	n	(P-4)
400.160	am	(P-8665/93.A-3132)	106.913	n	(P-16355/93.A-4230)	184.202	n	(P-4)
405.0	n	(P-3326.A-10721)	106.914	n	(P-16355/93.A-4230)	184.203	n	(P-4)
405.20	n	(P-3326.A-10721)	106.915	n	(P-16355/93.A-4230)	184.204	n	(P-4)
405.30	n	(P-3326.A-10721)	106.916	n	(P-16355/93.A-4230)	184.205	n	(P-4)
405.40	n	(P-3326.A-10721)	106.920	n	(P-16355/93.A-4230)	184.206	n	(P-4)
405.50	n	(P-3326.A-10721)	106.921	n	(P-16355/93.A-4230)	184.207	n	(P-4)
405.60	n	(P-3326.A-10721)	106.922	n	(P-16355/93.A-4230)	184.208	n	(P-4)
405.70	n	(P-3326.A-10721)	106.923	n	(P-16355/93.A-4230)	184.300	n	(P-4)
405.80	n	(P-3326.A-10721)	106.924	n	(P-16355/93.A-4230)	184.302	n	(P-4)
405.90	n	(P-3326.A-10721)	106.925	n	(P-16355/93.A-4230)	184.303	n	(P-4)
405.100	n	(P-3326.A-10721)	106.930	n	(P-16355/93.A-4230)	184.400	n	(P-4)
405.110	n	(P-3326.A-10721)	106.931	n	(P-16355/93.A-4230)	184.401	n	(P-4)
405.120	n	(P-3326.A-10721)	106.932	n	(P-16355/93.A-4230)	184.402	n	(P-4)
405.130	n	(P-3326.A-10721)	106.933	n	(P-16355/93.A-4230)	184.403	n	(P-4)
405.140	n	(P-3326.A-10721)	106.934	n	(P-16355/93.A-4230)	184.500	n	(P-4)
405.150	n	(P-3326.A-10721)	106.935	n	(P-16355/93.A-4230)	184.501	n	(P-4)
405.160	n	(P-3326.A-10721)	107.100	n	(P-11427)	184.502	n	(P-4)
405.A0.A	n	(P-3326.A-10721)	107.101	n	(P-11427)	184.503	n	(P-4)
505.0	n	(P-15220/93.A-2317)	107.102	n	(P-11427)	184.504	n	(P-4)
505.20	n	(P-15220/93.A-2317)	107.103	n	(P-11427)	184.505	n	(P-4)
505.30	n	(P-15220/93.A-2317)	107.120	n	(P-11427)	184.506	n	(P-4)
505.40	n	(P-15220/93.A-2317)	107.121	n	(P-11427)	184.507	n	(P-4)
505.50	n	(P-15220/93.A-2317)	107.122	n	(P-11427)	201.101	am	(P-8347)
505.60	n	(P-15220/93.A-2317)	107.123	n	(P-11427)	201.166	#	(P-8347)
505.70	n	(P-15220/93.A-2317)	107.124	n	(P-11427)	201.167	#	(P-8347)
505.80	n	(P-15220/93.A-2317)	107.140	n	(P-11427)	201.168	#	(P-8347)
505.82	n	(P-15220/93.A-2317)	107.160	n	(P-11427)	201.207	#	(P-8347)
505.84	n	(P-15220/93.A-2317)	107.180	n	(P-11427)	201.208	#	(P-8347)
505.86	n	(P-15220/93.A-2317)	107.181	n	(P-11427)	201.209	#	(P-8347)
505.90	n	(P-15220/93.A-2317)	107.200	n	(P-11427)	201.210	#	(P-8347)
505.100	n	(P-15220/93.A-2317)	107.201	n	(P-11427)	201.211	#	(P-8347)
505.110	n	(P-15220/93.A-2317)	107.202	n	(P-11427)	201.212	am	(P-8347)
505.120	n	(P-15220/93.A-2317)	107.220	n	(P-11427)	201.302	am	(P-7636.A-15002)
505.130	n	(P-15220/93.A-2317)	107.221	n	(P-11427)	203.209	am	(P-18754/93.A-6335)
505.140	n	(P-15220/93.A-2317)	107.222	n	(P-11427)	211.102	am	(P-8331)
505.150	n	(P-15220/93.A-2317)	107.223	n	(P-11427)	211.270	n	(P-12497/93.A-1253)

(Title 35, con't)

(Title 35, con't)	n	(P-12497/93.A-1253)	218.670	n	(P-12497/93.A-1945)	240.125	am	(P-12021)
	n	(P-8331)	218.672	n	(P-12497/93.A-1945)	240.151	n	(P-12021)
	n	(P-12497/93.A-1253)	218.680	n	(P-12497/93.A-1945)	240.152	n	(P-12021)
	n	(P-10536)	218.686	n	(P-12497/93.A-1945)	240.153	n	(P-12021)
	n	(P-12497/93.A-1253)	218.688	n	(P-12497/93.A-1945)	240.161	n	(P-12021)
	n	(P-9228)	218.690	n	(P-12497/93.A-1945)	240.162	n	(P-12021)
	n	(P-8331)	218.692	n	(P-12497/93.A-1945)	240.163	n	(P-12021)
	n	(P-8331)	218.692	n	(P-12497/93.A-1945)	240.164	n	(P-12021)
	am	(P-9228)	218.762	n	(P-9242)	240.171	n	(P-12021)
	am	(P-9228)	218.764	n	(P-9242)	240.172	n	(P-12021)
	n	(P-10536)	218.766	n	(P-9242)	240.173	n	(P-12021)
	n	(P-12497/93.A-1253)	218.768	n	(P-9242)	240.174	n	(P-12021)
	am	(P-9228)	218.770	n	(P-9242)	240.175	n	(P-12021)
	am	(P-12497/93.A-1253)	218.920	am	(P-12497/93.A-1945)	270.101	n	(P-16325/93.A-9425)
	am	(P-10536)	218.923	r	(P-9242)	270.102	n	(P-16325/93.A-9425)
	am	(P-8331)	218.926	n	(P-12497/93.A-1945)	270.103	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.940	am	(P-12497/93.A-1945)	270.104	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.943	am	(P-9242)	270.105	n	(P-16325/93.A-9425)
	n	(P-7589.A-14962)	218.946	am	(P-12497/93.A-1945)	270.106	n	(P-16325/93.A-9425)
	n	(P-8331)	218.960	am	(P-12497/93.A-1945)	270.201	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.963	am	(P-9242)	270.202	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.965	am	(P-12497/93.A-1945)	270.301	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.966	am	(P-12497/93.A-1945)	270.302	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.980	am	(P-12497/93.A-1945)	270.303	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.983	am	(P-9242)	270.304	n	(P-16325/93.A-9425)
	n	(P-8331)	218.986	am	(P-12497/93.A-1945)	270.305	n	(P-16325/93.A-9425)
	n	(P-8331)	218.986	am	(P-12497/93.A-1945)	270.306	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.991	am	(P-12497/93.A-1945)	270.307	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.991	am	(P-10549)	270.308	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	218.991	am	(P-9242)	270.401	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	219.101	am	(P-9272)	270.402	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1253)	219.106	am	(P-9272)	270.403	n	(P-16325/93.A-9425)
	am	(P-967.A-11587)	219.112	am	(P-761.R.A-14987)	270.404	n	(P-16325/93.A-9425)
	n	(P-967.A-11587)	219.119	n	(P-10584)	270.405	n	(P-16325/93.A-9425)
	n	(P-967.A-11587)	219.120	n	(P-10584)	270.406	n	(P-16325/93.A-9425)
	n	(P-967.A-11587)	219.201	am	(P-10584)	270.407	n	(P-16325/93.A-9425)
	n	(P-967.A-11587)	219.202	n	(P-10584)	270.408	n	(P-16325/93.A-9425)
	n	(P-967.A-11587)	219.227	n	(P-10584)	270.409	n	(P-16325/93.A-9425)
	n	(P-967.A-11587)	219.228	n	(P-10584)	270.410	n	(P-16325/93.A-9425)
	am	(P-9242)	219.29	n	(P-10584)	270.411	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	219.520	#,am	(P-10584)	270.412	n	(P-16325/93.A-9425)
	am	(P-9242)	219.522	n	(P-10584)	270.413	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	219.523	n	(P-10584)	270.501	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	219.524	n	(P-10584)	270.502	n	(P-16325/93.A-9425)
	am	(P-7602.A-14973)	219.583	am	(P-761.R.A-14987)	270.406	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1945)	219.585	am	(P-761.R.A-14987)	270.407	n	(P-16325/93.A-9425)
	n	(P-10549)	219.586	r	(P-8295/93.A-4242)	270.408	n	(P-16325/93.A-9425)
	n	(P-10549)	219.760	am	(P-9272)	270.409	n	(P-16325/93.A-9425)
	n	(P-10549)	219.762	am	(P-9272)	270.410	n	(P-16325/93.A-9425)
	am	(P-10549)	219.764	am	(P-9272)	270.411	n	(P-16325/93.A-9425)
	n	(P-10549)	219.766	am	(P-9272)	270.412	n	(P-16325/93.A-9425)
	n	(P-10549)	219.768	am	(P-9272)	270.413	n	(P-16325/93.A-9425)
	n	(P-10549)	219.770	am	(P-9272)	270.501	n	(P-16325/93.A-9425)
	am	(P-10549)	219.770	am	(P-9272)	270.502	n	(P-16325/93.A-9425)
	#,am	(P-10549)	219.940	am	(P-9272)	270.503	n	(P-16325/93.A-9425)
	n	(P-10549)	219.942	am	(P-9272)	270.504	n	(P-16325/93.A-9425)
	n	(P-10549)	219.980	am	(P-9272)	270.601	n	(P-16325/93.A-9425)
	am	(P-7602.A-14973)	219.980	am	(P-10584)	270.602	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	219.981	am	(P-9272)	270.603	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.101	n	(P-10584)	270.604	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.102	am	(P-10584)	270.605	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.103	am	(P-10584)	270.606	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.104	am	(P-10584)	270.607	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1945)	240.105	am	(P-10584)	270.608	n	(P-16325/93.A-9425)
	n	(P-12497/93.A-1945)	240.106	am	(P-10584)	270.609	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.107	am	(P-10584)	270.610	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.108	am	(P-10584)	270.611	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.109	am	(P-10584)	270.612	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.110	am	(P-10584)	270.613	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.111	am	(P-10584)	270.614	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.112	am	(P-10584)	270.615	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.113	am	(P-10584)	270.616	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.114	am	(P-10584)	270.617	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.115	am	(P-10584)	270.618	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.116	am	(P-10584)	270.619	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.117	am	(P-10584)	270.620	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.118	am	(P-10584)	270.621	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.119	am	(P-10584)	270.622	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.120	am	(P-10584)	270.623	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.121	am	(P-10584)	270.624	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.122	am	(P-10584)	270.625	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.123	am	(P-10584)	270.626	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.124	am	(P-10584)	270.627	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.125	am	(P-10584)	270.628	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.126	am	(P-10584)	270.629	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.127	am	(P-10584)	270.630	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.128	am	(P-10584)	270.631	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.129	am	(P-10584)	270.632	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.130	am	(P-10584)	270.633	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.131	am	(P-10584)	270.634	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.132	am	(P-10584)	270.635	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.133	am	(P-10584)	270.636	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.134	am	(P-10584)	270.637	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.135	am	(P-10584)	270.638	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.136	am	(P-10584)	270.639	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.137	am	(P-10584)	270.640	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.138	am	(P-10584)	270.641	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.139	am	(P-10584)	270.642	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.140	am	(P-10584)	270.643	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.141	am	(P-10584)	270.644	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.142	am	(P-10584)	270.645	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.143	am	(P-10584)	270.646	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.144	am	(P-10584)	270.647	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.145	am	(P-10584)	270.648	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.146	am	(P-10584)	270.649	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.147	am	(P-10584)	270.650	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.148	am	(P-10584)	270.651	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.149	am	(P-10584)	270.652	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.150	am	(P-10584)	270.653	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.151	am	(P-10584)	270.654	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.152	am	(P-10584)	270.655	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.153	am	(P-10584)	270.656	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.154	am	(P-10584)	270.657	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.155	am	(P-10584)	270.658	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.156	am	(P-10584)	270.659	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.157	am	(P-10584)	270.660	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.158	am	(P-10584)	270.661	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.159	am	(P-10584)	270.662	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.160	am	(P-10584)	270.663	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.161	am	(P-10584)	270.664	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.162	am	(P-10584)	270.665	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.163	am	(P-10584)	270.666	n	(P-16325/93.A-9425)
	am	(P-12497/93.A-1945)	240.164	am	(P-10584)	270.667	n	(P-16325/93.A-9425)



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302.208	am	(P-14555)	370.1100	re	(A-6375)	670.104	n	(P-18730/93A-10122)
302.212	am	(P-14555)	370.1110	re	(A-6375)	670.105	n	(P-18730/93A-10122)
302.216	am	(P-14555)	370.1120	re	(A-6375)	670.106	n	(P-18730/93A-10122)
302.407	am	(P-14555)	370.1130	re	(A-6375)	670.107	n	(P-18730/93A-10122)
303.323	am	(P-18759/93A-13461)	370.1200	re	(A-6375)	670.201	n	(P-18730/93A-10122)
303.322	am	(P-14219)	370.1210	re	(A-6375)	670.203	n	(P-18730/93A-10122)
303.322	am	(P-14219)	370.1210	re	(A-6375)	670.203	n	(P-18730/93A-10122)
303.400	am	(P-14491/93A-2981)	370.40A	re	(A-6375)	670.205	n	(P-18730/93A-10122)
304.122	am	(P-14549)	370.40B	re	(A-6375)	670.207	n	(P-18730/93A-10122)
304.122	am	(P-14549)	370.40C	re	(A-6375)	670.209	n	(P-18730/93A-10122)
304.213	am	(P-1823/93A-267)	370.40D	re	(A-6375)	670.211	n	(P-18730/93A-10122)
304.303	n	(P-2560/A-11574)	370.40E	re	(A-6375)	670.213	n	(P-18730/93A-10122)
370.100	re	(A-6375)	370.40F	re	(A-6375)	670.215	n	(P-18730/93A-10122)
370.200	re	(A-6375)	370.40G	re	(A-6375)	670.217	n	(P-18730/93A-10122)
370.210	re	(A-6375)	370.40H	re	(A-6375)	670.301	n	(P-18730/93A-10122)
370.220	re	(A-6375)	372.110	n	(P-4524)	670.401	n	(P-18730/93A-10122)
370.230	re	(A-6375)	372.200	n	(P-4524)	670.501	n	(P-18730/93A-10122)
370.240	re	(A-6375)	372.210	n	(P-4524)	700.102	r	(P-13572)
370.250	re	(A-6375)	372.220	n	(P-4524)	700.103	r	(P-13572)
370.260	re	(A-6375)	372.230	n	(P-4524)	700.104	r	(P-13572)
370.300	re	(A-6375)	372.240	n	(P-4524)	700.105	r	(P-13572)
370.340	re	(A-6375)	372.250	n	(P-4524)	700.106	r	(P-13572)
370.400	re	(A-6375)	372.300	n	(P-4524)	700.107	r	(P-13572)
370.410	re	(A-6375)	372.310	n	(P-4524)	700.108	r	(P-13572)
370.420	re	(A-6375)	372.400	n	(P-4524)	700.109	r	(P-13572)
370.430	re	(A-6375)	372.410	n	(P-4524)	700.201	r	(P-13572)
370.440	re	(A-6375)	372.420	n	(P-4524)	700.205	r	(P-13572)
370.450	re	(A-6375)	372.430	n	(P-4524)	700.210	r	(P-13572)
370.460	re	(A-6375)	372.440	n	(P-4524)	700.215	r	(P-13572)
370.470	re	(A-6375)	372.500	n	(P-4524)	700.216	r	(P-13572)
370.500	re	(A-6375)	372.510	n	(P-2552/A-9470)	700.225	r	(P-13572)
370.510	re	(A-6375)	398.0	n	(P-2552/A-9470)	700.226	r	(P-13572)
370.520	re	(A-6375)	398.20	n	(P-2552/A-9470)	700.235	r	(P-13572)
370.530	re	(A-6375)	398.30	n	(P-2552/A-9470)	700.236	r	(P-13572)
370.540	re	(A-6375)	398.50	n	(P-2552/A-9470)	700.245	r	(P-13572)
370.550	re	(A-6375)	398.50	n	(P-2552/A-9470)	700.246	r	(P-13572)
370.560	re	(A-6375)	398.60	n	(P-2552/A-9470)	700.250	r	(P-13572)
370.570	re	(A-6375)	398.110	n	(P-2552/A-9470)	700.255	r	(P-13572)
370.580	re	(A-6375)	398.120	n	(P-2552/A-9470)	700.265	r	(P-13572)
370.600	re	(A-6375)	398.130	n	(P-2552/A-9470)	700.301	r	(P-13572)
370.610	re	(A-6375)	398.140	n	(P-2552/A-9470)	700.302	r	(P-13572)
370.620	re	(A-6375)	398.160	n	(P-2552/A-9470)	700.303	r	(P-13572)
370.700	re	(A-6375)	611.101	am	(P-7642/A-12291)	700.304	r	(P-13572)
370.710	re	(A-6375)	611.102	am	(P-7642/A-12291)	700.401	r	(P-13572)
370.720	re	(A-6375)	611.1212	am	(P-7642/A-12291)	700.402	r	(P-13572)
370.730	re	(A-6375)	611.532	am	(P-7642/A-12291)	700.403	r	(P-13572)
370.740	re	(A-6375)	611.602	am	(P-7642/A-12291)	700.404	r	(P-13572)
370.750	re	(A-6375)	611.603	am	(P-7642/A-12291)	700.501	r	(P-13572)
370.800	re	(A-6375)	611.607	am	(P-7642/A-12291)	700.502	r	(P-13572)
370.810	re	(A-6375)	611.609	am	(P-7642/A-12291)	700.503	r	(P-13572)
370.820	re	(A-6375)	611.612	am	(P-7642/A-12291)	700.504	r	(P-13572)
370.830	re	(A-6375)	611.648	am	(P-7642/A-12291)	700.504	r	(P-13572)
370.840	re	(A-6375)	611.685	am	(P-7642/A-12291)	700.601	r	(P-13572)
370.850	re	(A-6375)	611.685	am	(P-7642/A-12291)	700.602	r	(P-13572)
370.860	re	(A-6375)	611.851	am	(P-7642/A-12291)	700.603	r	(P-13572)
370.870	re	(A-6375)	611.856	am	(P-7642/A-12291)	700.604	r	(P-13572)
370.900	re	(A-6375)	611.869	am	(P-7642/A-12291)	700.605	r	(P-13572)
370.910	re	(A-6375)	611.869	am	(P-7642/A-12291)	702.101	am	(P-13613)
370.920	re	(A-6375)	620.120	am	(P-5113/A-14084)	702.102	r	(P-13613)
370.930	re	(A-6375)	620.210	am	(P-5113/A-14084)	702.103	am	(P-13613)
370.940	re	(A-6375)	620.260	am	(P-5113/A-14084)	702.104	am	(P-13613)
370.1000	re	(A-6375)	620.302	am	(P-5113/A-14084)	702.105	am	(P-13613)
370.1010	re	(A-6375)	620.310	am	(P-5113/A-14084)	702.106	am	(P-13613)
370.1030	re	(A-6375)	620.410	am	(P-5113/A-14084)	702.107	am	(P-13613)
370.1040	re	(A-6375)	620.420	am	(P-5113/A-14084)	702.108	am	(P-13613)
370.1050	re	(A-6375)	620.605	am	(P-5113/A-14084)	702.109	am	(P-13613)
370.1060	re	(A-6375)	670.101	n	(P-18730/93A-10122)	702.110	am	(P-13613)
370.1070	re	(A-6375)	670.102	n	(P-18730/93A-10122)	702.110	am	(P-13613)
370.1080	re	(A-6375)	670.103	n	(P-18730/93A-10122)	702.120	am	(P-13613)

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702.121	am	(P-13613)	704.150	am	(P-13675)	724.103	am	(C-5015)
702.122	am	(P-13613)	704.161	am	(P-13675)	724.152	am	(P-439A-6973)
702.123	am	(P-13613)	704.162	am	(P-13675)	724.152	am	(P-13259)
702.124	am	(P-13613)	704.164	am	(P-13675)	724.156	am	(P-439A-6973)
702.125	am	(P-13613)	704.181	am	(P-13675)	724.201	am	(P-13259)
702.126	am	(P-13613)	704.182	am	(P-13675)	724.251	am	(P-6641A-12487)
702.140	am	(P-13613)	704.184	am	(P-13675)	724.250	am	(P-439A-6973)
702.141	am	(P-13613)	704.184	am	(P-13675)	724.351	am	(P-6641A-12487)
702.142	am	(P-13613)	704.186	am	(P-13675)	724.452	am	(P-439A-6973)
702.143	am	(P-13613)	704.186	am	(P-13675)	724.652	n	(P-439A-6973)
702.144	am	(P-13613)	704.189	am	(P-13675)	724.653	n	(P-439A-6973)
702.145	am	(P-13613)	704.190	am	(P-13675)	724.40A	am	(P-13259)
702.146	am	(P-13613)	704.191	am	(P-13675)	725.101	am	(P-377A-6771)
702.147	am	(P-13613)	704.192	am	(P-13675)	725.152	am	(C-5011)
702.148	am	(P-13613)	704.193	am	(P-13675)	725.156	am	(P-13242)
702.149	am	(P-13613)	704.194	am	(P-13675)	725.243	am	(P-337A-6771)
702.150	am	(P-13613)	704.203	am	(P-13675)	725.280	am	(P-6568A-12190)
702.151	am	(P-13613)	704.213	am	(P-13675)	725.410	am	(P-6568A-12190)
702.160	am	(P-13613)	704.240	am	(P-13355)	725.410	am	(P-337A-6771)
702.161	am	(P-13613)	704.261	am	(P-13675)	725.543	am	(P-337A-6771)
702.162	am	(P-13613)	704.262	am	(P-13675)	726.203	am	(P-6800A-12500)
702.163	am	(P-13613)	704.263	am	(P-13675)	726.203	am	(P-6800A-12500)
702.181	am	(P-13613)	705.101	am	(P-13594)	726.204	am	(P-6800A-12500)
702.184	am	(P-13613)	705.102	am	(P-13594)	726.206	am	(P-6800A-12500)
703.110	am	(P-6580A-12392)	705.103	am	(P-13594)	726.212	am	(P-6800A-12500)
703.125	am	(P-13646)	705.121	am	(P-13594)	726.212	am	(P-6800A-12500)
703.126	am	(P-13646)	705.122	am	(P-13594)	726.212	am	(P-6800A-12500)
703.140	am	(P-13646)	705.123	am	(P-13594)	726.212	am	(P-6800A-12500)
703.141	am	(P-13646)	705.124	am	(P-13594)	726.212	am	(P-6800A-12500)
703.156	am	(P-13646)	705.125	am	(P-13594)	726.212	am	(P-6800A-12500)
703.158	am	(P-13646)	705.126	am	(P-13594)	726.212	am	(P-6800A-12500)
703.184	am	(P-13646)	705.127	am	(P-13594)	726.212	am	(P-6800A-12500)
703.200	am	(P-13646)	705.141	am	(P-13594)	726.212	am	(P-6800A-12500)
703.201	am	(P-13646)	705.142	am	(P-13594)	726.212	am	(P-6800A-12500)
703.205	am	(P-6580A-12392)	705.144	am	(P-13594)	726.212	am	(P-6800A-12500)
703.208	am	(P-13646)	705.161	am	(P-13594)	726.212	am	(P-6800A-12500)
703.208	am	(P-13646)	705.162	am	(P-13594)	726.212	am	(P-6800A-12500)
703.210	am	(P-13646)	705.164	am	(P-13594)	726.212	am	(P-6800A-12500)
703.210	am	(P-13646)	704.165	am	(P-13594)	726.212	am	(P-6800A-12500)
703.211	am	(P-13646)	704.181	am	(P-13594)	726.212	am	(P-6800A-12500)
703.223	am	(P-6580A-12392)	704.182	am	(P-13594)	726.212	am	(P-6800A-12500)
703.224	am	(P-13646)	705.183	am	(P-13594)	726.212	am	(P-6800A-12500)
703.232	am	(P-6580A-12392)	705.184	am	(P-13594)	726.212	am	(P-6800A-12500)
703.241	am	(P-13646)	705.201	am	(P-13594)	726.212	am	(P-6800A-12500)
703.242	am	(P-13646)	705.202	am	(P-13594)	726.212	am	(P-6800A-12500)
703.244	am	(P-13646)	705.204	am	(P-13594)	726.212	am	(P-6800A-12500)
703.245	am	(P-13646)	705.205	am	(P-13594)	726.212	am	(P-6800A-12500)
703.246	am	(P-13646)	705.210	am	(P-13594)	726.212	am	(P-6800A-12500)
703.247	am	(P-13646)	705.211	am	(P-13594)	726.212	am	(P-6800A-12500)
703.283	am	(P-13646)	705.212	am	(P-13594)	726.212	am	(P-6800A-12500)
703.40A	am	(P-419A-6898)	720.111	am	(P-337A-6720)	726.212	am	(P-6800A-12500)
704.102	am	(P-13675)	720.111	am	(P-6553A-12160)	726.212	am	(P-6800A-12500)
704.103	am	(P-13675)	720.122	am	(P-6553A-12160)	726.212	am	(P-6800A-12500)
704.104	am	(P-13675)	721.103	am	(P-13173)	726.212	am	(P-6800A-12500)
704.105	am	(P-13675)	721.103	am	(P-337A-6741)	726.212	am	(P-6800A-12500)
704.121	am	(P-13675)	721.104	am	(P-357A-6741)	726.212	am	(P-6800A-12500)
704.123	am	(P-13675)	721.105	am	(P-13184)	726.212	am	(P-6800A-12500)
704.141	am	(P-13675)	721.106	am	(P-357A-6741)	726.212	am	(P-6800A-12500)
704.142	n	(P-13675)	721.106	am	(P-357A-6741)	726.212	am	(P-6800A-12500)
704.143	am	(P-13675)	721.121	am	(P-6526A-12175)	726.212	am	(P-6800A-12500)
704.144	am	(P-13675)	721.124	am	(P-6526A-12175)	726.212	am	(P-6800A-12500)
704.145	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.146	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.146	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.147	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.147	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.148	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am	(P-13675)	721.133	am	(P-13184)	726.212	am	(P-6800A-12500)
704.149	am							



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812.101	am	(C-4434) (P-17644/93;A-12185)	817.404	n	(P-17659/93;A-12411)	830.606	n	(P-11040)
812.301	am	(P-17644/93;A-12185)	817.405	n	(C-21878/93)	830.7b.A	n	(P-11040)
812.301	am	(P-17654/93;A-12388)	817.406	n	(C-21878/93)	830.7b.B	n	(P-11040)
813.106	am	(P-17654/93;A-12388)	817.407	n	(P-17659/93;A-12411)	830.7b.C	n	(P-11040)
		(P-16920/93;A-2409)	817.408	n	(C-21878/93)	830.7b.D	n	(P-11040)
		(EC-301B)	817.409	n	(C-21878/93)	830.7b.E	n	(P-11040)
814.101	am	(P-17674/93;A-1284)	817.410	n	(P-17659/93;A-12411)	830.7b.F	n	(P-11040)
814.102	am	(P-17674/93;A-1284)	817.411	n	(C-21878/93)	831.101	n	(P-11025)
814.103	am	(P-17674/93;A-1284)	817.412	n	(P-17659/93;A-12411)	831.102	n	(P-11025)
814.104	am	(P-17674/93;A-1284)	817.413	n	(C-21878/93)	831.103	n	(P-11025)
814.105	am	(P-17674/93;A-1284)	817.414	n	(P-17659/93;A-12411)	831.104	n	(P-11025)
814.107	am	(E-848B)	817.415	n	(C-21878/93)	831.105	n	(P-11025)
		(P-17674/93;A-1284)	817.416	n	(P-17659/93;A-12411)	831.106	n	(P-11025)
814.108	am	(P-17674/93;A-1284)	817.417	n	(C-21878/93)	831.107	n	(P-11025)
814.109	am	(P-17674/93;A-1284)	817.418	n	(P-17659/93;A-12411)	831.108	n	(P-11025)
814.302	am	(P-17674/93;A-1284)	817.419	n	(C-21878/93)	831.109	n	(P-11025)
814.402	am	(P-17674/93;A-1284)	817.501	n	(C-21878/93)	831.110	n	(P-11025)
814.501	am	(P-17674/93;A-1284)	817.501	n	(P-17659/93;A-12411)	831.111	n	(P-11025)
814.601	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.112	n	(P-11025)
814.602	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.113	n	(P-11025)
814.701	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.114	n	(P-11025)
814.702	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.115	n	(P-11025)
814.801	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.116	n	(P-11025)
814.802	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.117	n	(P-11025)
814.901	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.118	n	(P-11025)
814.902	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.119	n	(P-11025)
814.903	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.120	n	(P-11025)
814.904	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.121	n	(P-11025)
814.905	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.122	n	(P-11025)
814.906	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.123	n	(P-11025)
814.907	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.124	n	(P-11025)
814.908	n	(P-17721/93;A-12471)	817.501	n	(P-17659/93;A-12411)	831.125	n	(P-11025)
814.909	n	(P-17721/93;A-12471)	817.501	n	(C-21878/93)	831.126	n	(P-11025)
			817.501	n	(P-17659/93;A-12411)	831.127	n	(P-11025)
817.103	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.128	n	(P-11025)
817.104	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.129	n	(P-11025)
817.105	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.130	n	(P-11025)
817.106	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.131	n	(P-11025)
817.107	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.132	n	(P-11025)
817.107	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.133	n	(P-11025)
817.201	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.134	n	(P-11025)
817.202	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.135	n	(P-11025)
817.202	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.136	n	(P-11025)
817.203	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.137	n	(P-11025)
817.203	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.138	n	(P-11025)
817.204	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.139	n	(P-11025)
817.301	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.140	n	(P-11025)
817.302	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.141	n	(P-11025)
817.302	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.142	n	(P-11025)
817.303	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.143	n	(P-11025)
817.303	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.144	n	(P-11025)
817.304	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.145	n	(P-11025)
817.304	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.146	n	(P-11025)
817.305	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.147	n	(P-11025)
817.306	n	(C-21878/93)	817.501	n	(P-17659/93;A-12411)	831.148	n	(P-11025)
817.306	n	(P-17659/93;A-12411)	817.501	n	(C-21878/93)	831.149	n	(P-11025)
817.309	n	(P-17659/93;A-12411)	817.501	n	(P-17659/93;A-12411)	831.150	n	(P-11025)
817.401	n	(C-21878/93)	817.501	n	(C-21878/93)	831.151	n	(P-11025)
817.402	n	(P-17659/93;A-12411)	817.501	n	(P-17659/93;A-12411)	831.152	n	(P-11025)
817.402	n	(C-21878/93)	817.501	n	(C-21878/93)	831.153	n	(P-11025)
817.403	n	(P-17659/93;A-12411)	817.501	n	(P-17659/93;A-12411)	831.154	n	(P-11025)
817.403	n	(C-21878/93)	817.501	n	(C-21878/93)	831.155	n	(P-11025)

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732.101	n	(P-5403.A-15008)	739.121	am	(P-455.A-6931)	(C-4434)
732.102	n	(P-5403.A-15008)	739.122	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.103	n	(P-5403.A-15008)	739.123	am	(P-455.A-6931)	(C-4434)
732.104	n	(P-5403.A-15008)	739.124	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.105	n	(P-5403.A-15008)			(C-5017)	(C-4434)
732.200	n	(P-5403.A-15008)	739.140	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.201	n	(P-5403.A-15008)	739.141	am	(P-455.A-6931)	(RQ-30211EC-7504)
732.202	n	(P-5403.A-15008)	739.142	am	(P-13310)	(C-4434)
732.203	n	(P-5403.A-15008)	739.143	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.204	n	(P-5403.A-15008)	739.144	am	(C-5017)	(C-4434)
732.300	n	(P-5403.A-15008)	739.145	am	(P-13310)	(P-8726/93.A-1308)
732.301	n	(P-5403.A-15008)	739.146	am	(P-455.A-6931)	(C-4434)
732.302	n	(P-5403.A-15008)	739.147	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.303	n	(P-5403.A-15008)	739.148	am	(P-455.A-6931)	(C-4434)
732.304	n	(P-5403.A-15008)	739.149	am	(C-5017)	(C-4434)
732.305	n	(P-5403.A-15008)	739.150	am	(P-13310)	(P-8726/93.A-1308)
732.306	n	(P-5403.A-15008)	739.151	am	(P-455.A-6931)	(C-4434)
732.307	n	(P-5403.A-15008)	739.152	am	(C-5017)	(P-8726/93.A-1308)
732.308	n	(P-5403.A-15008)	739.153	am	(P-455.A-6931)	(C-4434)
732.309	n	(P-5403.A-15008)	739.154	am	(P-13310)	(P-8726/93.A-1308)
732.310	n	(P-5403.A-15008)	739.155	am	(P-455.A-6931)	(C-4434)
732.311	n	(P-5403.A-15008)	739.156	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.401	n	(P-5403.A-15008)	739.157	am	(C-5017)	(C-4434)
732.402	n	(P-5403.A-15008)	739.158	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.403	n	(P-5403.A-15008)	739.159	am	(C-5017)	(C-4434)
732.404	n	(P-5403.A-15008)	739.160	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.405	n	(P-5403.A-15008)	739.161	am	(P-13310)	(C-4434)
732.500	n	(P-5403.A-15008)	739.162	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.501	n	(P-5403.A-15008)	739.163	am	(P-455.A-6931)	(C-4434)
732.502	n	(P-5403.A-15008)	739.164	am	(C-5017)	(P-8726/93.A-1308)
732.503	n	(P-5403.A-15008)	739.165	am	(P-455.A-6931)	(C-4434)
732.504	n	(P-5403.A-15008)	739.170	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.505	n	(P-5403.A-15008)	739.171	am	(C-5017)	(C-4434)
732.600	n	(P-5403.A-15008)	739.172	am	(P-13310)	(P-8726/93.A-1308)
732.601	n	(P-5403.A-15008)	739.173	am	(P-455.A-6931)	(C-4434)
732.602	n	(P-5403.A-15008)	739.174	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.603	n	(P-5403.A-15008)	739.175	am	(C-5017)	(C-4434)
732.604	n	(P-5403.A-15008)	739.176	am	(P-455.A-6931)	(P-8726/93.A-1308)
732.605	n	(P-5403.A-15008)	739.177	am	(P-455.A-6931)	(C-4434)
732.606	n	(P-5403.A-15008)	739.178	am	(C-5017)	(P-8726/93.A-1308)
732.607	n	(P-5403.A-15008)	739.179	am	(P-17703/93.A-12451)	(C-4434)
732.608	n	(P-5403.A-15008)	739.180	am	(P-17703/93.A-12451)	(P-8726/93.A-1308)
732.609	n	(P-5403.A-15008)	739.181	am	(C-21882/93)	(C-4434)
732.610	n	(P-5403.A-15008)	739.182	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.611	n	(P-5403.A-15008)	739.183	am	(P-17703/93.A-12481)	(C-4434)
732.612	n	(P-5403.A-15008)	739.184	am	(C-21882/93)	(C-4434)
732.613	n	(P-5403.A-15008)	739.185	am	(P-17703/93.A-12457)	(C-4434)
732.614	n	(P-5403.A-15008)	739.186	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.615	n	(P-5403.A-15008)	739.187	am	(C-21882/93)	(C-4434)
732.616	n	(P-5403.A-15008)	739.188	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.617	n	(P-5403.A-15008)	739.189	am	(C-21882/93)	(C-4434)
732.618	n	(P-5403.A-15008)	739.190	am	(P-17703/93.A-12481)	(C-4434)
732.619	n	(P-5403.A-15008)	739.191	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.620	n	(P-5403.A-15008)	739.192	am	(C-21882/93)	(C-4434)
732.621	n	(P-5403.A-15008)	739.193	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.622	n	(P-5403.A-15008)	739.194	am	(C-21882/93)	(C-4434)
732.623	n	(P-5403.A-15008)	739.195	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.624	n	(P-5403.A-15008)	739.196	am	(C-21882/93)	(C-4434)
732.625	n	(P-5403.A-15008)	739.197	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.626	n	(P-5403.A-15008)	739.198	am	(C-21882/93)	(C-4434)
732.627	n	(P-5403.A-15008)	739.199	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.628	n	(P-5403.A-15008)	739.200	am	(C-21882/93)	(C-4434)
732.629	n	(P-5403.A-15008)	739.201	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.630	n	(P-5403.A-15008)	739.202	am	(C-21882/93)	(C-4434)
732.631	n	(P-5403.A-15008)	739.203	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.632	n	(P-5403.A-15008)	739.204	am	(C-21882/93)	(C-4434)
732.633	n	(P-5403.A-15008)	739.205	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.634	n	(P-5403.A-15008)	739.206	am	(C-21882/93)	(C-4434)
732.635	n	(P-5403.A-15008)	739.207	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.636	n	(P-5403.A-15008)	739.208	am	(C-21882/93)	(C-4434)
732.637	n	(P-5403.A-15008)	739.209	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.638	n	(P-5403.A-15008)	739.210	am	(C-21882/93)	(C-4434)
732.639	n	(P-5403.A-15008)	739.211	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.640	n	(P-5403.A-15008)	739.212	am	(C-21882/93)	(C-4434)
732.641	n	(P-5403.A-15008)	739.213	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.642	n	(P-5403.A-15008)	739.214	am	(C-21882/93)	(C-4434)
732.643	n	(P-5403.A-15008)	739.215	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.644	n	(P-5403.A-15008)	739.216	am	(C-21882/93)	(C-4434)
732.645	n	(P-5403.A-15008)	739.217	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.646	n	(P-5403.A-15008)	739.218	am	(C-21882/93)	(C-4434)
732.647	n	(P-5403.A-15008)	739.219	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.648	n	(P-5403.A-15008)	739.220	am	(C-21882/93)	(C-4434)
732.649	n	(P-5403.A-15008)	739.221	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.650	n	(P-5403.A-15008)	739.222	am	(C-21882/93)	(C-4434)
732.651	n	(P-5403.A-15008)	739.223	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.652	n	(P-5403.A-15008)	739.224	am	(C-21882/93)	(C-4434)
732.653	n	(P-5403.A-15008)	739.225	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.654	n	(P-5403.A-15008)	739.226	am	(C-21882/93)	(C-4434)
732.655	n	(P-5403.A-15008)	739.227	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.656	n	(P-5403.A-15008)	739.228	am	(C-21882/93)	(C-4434)
732.657	n	(P-5403.A-15008)	739.229	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.658	n	(P-5403.A-15008)	739.230	am	(C-21882/93)	(C-4434)
732.659	n	(P-5403.A-15008)	739.231	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.660	n	(P-5403.A-15008)	739.232	am	(C-21882/93)	(C-4434)
732.661	n	(P-5403.A-15008)	739.233	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.662	n	(P-5403.A-15008)	739.234	am	(C-21882/93)	(C-4434)
732.663	n	(P-5403.A-15008)	739.235	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.664	n	(P-5403.A-15008)	739.236	am	(C-21882/93)	(C-4434)
732.665	n	(P-5403.A-15008)	739.237	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.666	n	(P-5403.A-15008)	739.238	am	(C-21882/93)	(C-4434)
732.667	n	(P-5403.A-15008)	739.239	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.668	n	(P-5403.A-15008)	739.240	am	(C-21882/93)	(C-4434)
732.669	n	(P-5403.A-15008)	739.241	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.670	n	(P-5403.A-15008)	739.242	am	(C-21882/93)	(C-4434)
732.671	n	(P-5403.A-15008)	739.243	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.672	n	(P-5403.A-15008)	739.244	am	(C-21882/93)	(C-4434)
732.673	n	(P-5403.A-15008)	739.245	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.674	n	(P-5403.A-15008)	739.246	am	(C-21882/93)	(C-4434)
732.675	n	(P-5403.A-15008)	739.247	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.676	n	(P-5403.A-15008)	739.248	am	(C-21882/93)	(C-4434)
732.677	n	(P-5403.A-15008)	739.249	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.678	n	(P-5403.A-15008)	739.250	am	(C-21882/93)	(C-4434)
732.679	n	(P-5403.A-15008)	739.251	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.680	n	(P-5403.A-15008)	739.252	am	(C-21882/93)	(C-4434)
732.681	n	(P-5403.A-15008)	739.253	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.682	n	(P-5403.A-15008)	739.254	am	(C-21882/93)	(C-4434)
732.683	n	(P-5403.A-15008)	739.255	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.684	n	(P-5403.A-15008)	739.256	am	(C-21882/93)	(C-4434)
732.685	n	(P-5403.A-15008)	739.257	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.686	n	(P-5403.A-15008)	739.258	am	(C-21882/93)	(C-4434)
732.687	n	(P-5403.A-15008)	739.259	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.688	n	(P-5403.A-15008)	739.260	am	(C-21882/93)	(C-4434)
732.689	n	(P-5403.A-15008)	739.261	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.690	n	(P-5403.A-15008)	739.262	am	(C-21882/93)	(C-4434)
732.691	n	(P-5403.A-15008)	739.263	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.692	n	(P-5403.A-15008)	739.264	am	(C-21882/93)	(C-4434)
732.693	n	(P-5403.A-15008)	739.265	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.694	n	(P-5403.A-15008)	739.266	am	(C-21882/93)	(C-4434)
732.695	n	(P-5403.A-15008)	739.267	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.696	n	(P-5403.A-15008)	739.268	am	(C-21882/93)	(C-4434)
732.697	n	(P-5403.A-15008)	739.269	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.698	n	(P-5403.A-15008)	739.270	am	(C-21882/93)	(C-4434)
732.699	n	(P-5403.A-15008)	739.271	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.700	n	(P-5403.A-15008)	739.272	am	(C-21882/93)	(C-4434)
732.701	n	(P-5403.A-15008)	739.273	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.702	n	(P-5403.A-15008)	739.274	am	(C-21882/93)	(C-4434)
732.703	n	(P-5403.A-15008)	739.275	am	(P-8702/93.A-1288)	(P-8726/93.A-1308)
732.704	n	(P-5403.A-15008)	739.276	am	(C-21882/93)	(C-4434)
732.705						

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610.30	n	(P-7168)(C-8172)	140.171	am	(P-12696)	170.560	am	(P-9106)
610.40	am	(P-12696)	140.180	am	(P-9106)	170.570	am	(P-9106)
610.50	n	(P-7168)(C-8172)	140.185	am	(P-12696)	170.580	am	(P-9106)
610.60	am	(P-12696)	140.220	am	(P-9106)	170.590	am	(P-9106)
610.70	n	(P-7168)(C-8172)	140.225	n	(P-12696)	170.600	am	(P-9106)
610.80	am	(P-12696)	140.230	am	(P-9106)	170.610	am	(P-9106)
610.EA	n	(P-7168)(C-8172)	140.232	am, #	(P-12696)	170.620	am	(P-9106)
610.EA.B	n	(P-7168)(C-8172)	140.234	am, #	(P-12696)	170.630	am	(P-9106)
610.EA.C	n	(P-7168)(C-8172)	140.236	am, #	(P-12696)	170.640	am	(P-9106)
610.EA.D	n	(P-7168)(C-8172)	140.238	n	(P-12696)	170.650	am	(P-9106)
1075.1100	am	(P-9858A-15094)	140.240	n	(P-12696)	170.660	am	(P-9106)
1075.1105	am	(P-9858A-15094)	140.250	n	(P-12696)	170.670	am	(P-9106)
1075.1110	r,n	(P-9858A-15094)	140.305	am	(P-12696)	170.671	n	(P-9106)
1075.1115	r,n	(P-9858A-15094)	140.390	am	(P-12696)	170.672	n	(P-9106)
1075.1120	r,n	(P-9858A-15094)	140.400	am	(P-12696)	170.673	n	(P-9106)
1075.1130	r,n	(P-9858A-15094)	140.420	am	(P-12696)	170.700	r,n	(P-9106)
1075.1135	r	(P-9858A-15094)	170.10	am	(P-9106)	170.705	n	(P-9106)
1075.1140	r	(P-9858A-15094)	170.20	n	(P-9106)	170.710	n	(P-9106)
1075.1145	r	(P-9858A-15094)	170.41	r	(P-9106)	170.720	n	(P-9106)
1075.1150	r	(P-9858A-15094)	170.41	r	(P-9106)	170.730	n	(P-9106)
1075.1155	r	(P-9858A-15094)	170.50	r	(P-9106)	170.740	n	(P-9106)
1075.1160	r	(P-9858A-15094)	170.65	r	(P-9106)	170.750	n	(P-9106)
1075.1165	r	(P-9858A-15094)	170.65	r	(P-9106)	170.760	n	(P-9106)
1075.1170	r	(P-9858A-15094)	170.70	r	(P-9106)	170.770	n	(P-9106)
1075.1175	r	(P-9858A-15094)	170.71	r	(P-9106)	170.780	n	(P-9106)
1075.1180	r	(P-9858A-15094)	170.72	r	(P-9106)	170.790	n	(P-9106)
1075.1185	r	(P-9858A-15094)	170.76	r	(P-9106)	170.795	n	(P-9106)
1075.1190	r	(P-9858A-15094)	170.90	r	(P-9106)	170.800	am	(P-9106)
1075.1195	r	(P-9858A-15094)	170.100	r	(P-9106)	170.810	am	(P-9106)
1075.1200	r	(P-9858A-15094)	170.105	r	(P-9106)	170.820	am	(P-9106)
1075.1205	r	(P-9858A-15094)	170.106	r	(P-9106)	170.830	am	(P-9106)
1075.1210	am	(P-9858A-15094)	170.107	r	(P-9106)	170.850	am	(P-9106)
1075.1215	am	(P-9858A-15094)	170.108	r	(P-9106)	170.860	am	(P-9106)
1075.1220	am	(P-9858A-15094)	170.110	r	(P-9106)	170.890	am	(P-9106)
1075.1225	r,n	(P-9858A-15094)	170.200	am	(P-9106)	170.900	am	(P-9106)
1075.1230	r,n	(P-9858A-15094)	170.410	am	(P-9106)	170.910	am	(P-9106)
1075.1235	am	(P-9858A-15094)	170.410	am	(P-9106)	170.920	n	(P-9106)
1075.1240	am	(P-9858A-15094)	170.411	am	(P-9106)	170.930	n	(P-9106)
1075.1245	am	(P-9858A-15094)	170.412	am	(P-9106)	170.940	n	(P-9106)
1075.1250	am	(P-9858A-15094)	170.420	am	(P-9106)	170.1000	n	(P-9106)
1075.1255	am	(P-9858A-15094)	170.421	n	(P-9106)	170.1100	n	(P-9106)
1075.1260	am	(P-9858A-15094)	170.422	n	(P-9106)	170.1200	n	(P-9106)
1075.1265	am	(P-9858A-15094)	170.423	n	(P-9106)	170.1300	n	(P-9106)
1075.1270	am	(P-9858A-15094)	170.424	n	(P-9106)	170.1300	n	(P-9106)
1075.1275	am	(P-9858A-15094)	170.425	n	(P-9106)	200.5	am	(P-22)
1075.1280	am	(P-9858A-15094)	170.426	n	(P-9106)	200.10	am	(P-22)
1075.1285	am	(P-9858A-15094)	170.427	n	(P-9106)	200.20	am	(P-22)
1075.1290	am	(P-9858A-15094)	170.430	am	(P-9106)	200.30	am	(P-22)
1075.1295	am	(P-9858A-15094)	170.431	am	(P-9106)	200.40	am	(P-22)
1075.1300	am	(P-9858A-15094)	170.440	am	(P-9106)	200.60	am	(P-22)
1075.1305	am	(P-9858A-15094)	170.440	am	(P-9106)	200.70	am	(P-22)
1075.1310	am	(P-9858A-15094)	170.441	n	(P-9106)	200.100	am	(P-22)
1075.1315	am	(P-9858A-15094)	170.442	n	(P-9106)	200.120	am	(P-22)
1075.1320	am	(P-9858A-15094)	170.450	am	(P-9106)	200.160	am	(P-22)
1075.1325	am	(P-9858A-15094)	170.460	am	(P-9106)	200.180	am	(P-22)
1075.1330	n	(E-7016)(P-9858; A-15094)	170.470	am	(P-9106)	200.170	r	(P-22)
1075.1335	am	(P-12696)	170.480	am	(P-9106)	200.200	r	(P-22)
1075.1340	am	(P-12696)	170.481	n	(P-9106)	200.230	r	(P-22)
1075.1345	am	(P-12696)	170.490	am	(P-9106)	200.240	r	(P-22)
1075.1350	am	(P-12696)	170.510	am	(P-9106)	200.250	r	(P-22)
1075.1355	am	(P-12696)	170.520	am	(P-9106)	200.260	r	(P-22)
1075.1360	am	(P-12696)	170.530	am	(P-9106)	200.270	r	(P-22)
1075.1365	am	(P-12696)	170.540	am	(P-9106)	200.280	r	(P-22)
1075.1370	am	(P-12696)	170.540	am	(P-9106)	200.290	r	(P-22)
1075.1375	am	(P-12696)	170.541	n	(P-9106)	200.300	r	(P-22)
1075.1380	am	(P-12696)	170.542	n	(P-9106)	200.310	r	(P-22)
1075.1385	am	(P-12696)	170.543	n	(P-9106)	200.320	r	(P-22)
1075.1390	am	(P-12696)	170.544	am	(P-9106)	200.330	am	(P-9106)
1075.1395	am	(P-12696)	170.545	n	(P-9106)	200.340	am	(P-9106)
1075.1400	am	(P-12696)	170.545	n	(P-9106)	200.350	r	(P-22)

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650.10	n	(P-3208A-9478)	260.402	am	(P-8293)	360.803	am	(E-1214)(C-10503)
650.20	n	(P-3208A-9478)	260.403	am	(P-8293)	360.804	am	(P-1669A-8663)
650.30	n	(P-3208A-9478)	260.404	am	(P-8293)	360.805	am	(E-1214)(C-10503)
650.40	n	(P-3208A-9478)	260.405	am	(P-8293)	360.806	am	(P-1669A-8663)
650.50	n	(P-3208A-9478)	260.406	am	(P-8293)	360.807	am	(E-1214)(C-10503)
650.60	n	(P-3208A-9478)	260.407	am	(P-8293)	360.808	am	(P-1669A-8663)
650.70	n	(P-3208A-9478)	260.408	am	(P-8293)	360.809	am	(E-1214)(C-10503)
650.80	n	(P-3208A-9478)	260.409	am	(P-8293)	360.810	am	(P-1669A-8663)
650.90	n	(P-3208A-9478)	260.410	am	(P-8293)	360.811	am	(E-1214)(C-10503)
650.100	n	(P-3208A-9478)	260.411	am	(P-8293)	360.812	am	(P-1669A-8663)
650.110	n	(P-3208A-9478)	260.412	am	(P-8293)	360.813	am	(E-1214)(C-10503)
650.120	n	(P-3208A-9478)	260.413	am	(P-8293)	360.814	am	(P-1669A-8663)
650.130	n	(P-3208A-9478)	260.414	am	(P-8293)	360.815	am	(E-1214)(C-10503)
650.140	n	(P-3208A-9478)	260.415	am	(P-8293)	360.816	am	(P-1669A-8663)
650.150	n	(P-3208A-9478)	260.416	am	(P-8293)	360.817	am	(E-1214)(C-10503)
650.160	n	(P-3208A-9478)	260.417	am	(P-8293)	360.818	am	(P-1669A-8663)
650.170	n	(P-3208A-9478)	260.418	am	(P-8293)	360.819	am	(E-1214)(C-10503)
650.180	n	(P-3208A-9478)	260.419	am	(P-8293)	360.820	am	(P-1669A-8663)
650.190	n	(P-3208A-9478)	260.420	am	(P-8293)	360.821	am	(E-1214)(C-10503)
650.200	n	(P-3208A-9478)	260.421	am	(P-8293)	360.822	am	(P-1669A-8663)
650.210	n	(P-3208A-9478)	260.422	am	(P-8293)	360.823	am	(E-1214)(C-10503)
650.220	n	(P-3208A-9478)	260.423	am	(P-8293)	360.824	am	(P-1669A-8663)
650.230	n	(P-3208A-9478)	260.424	am	(P-8293)	360.825	am	(E-1214)(C-10503)
650.240	n	(P-3208A-9478)	260.425	am	(P-8293)	360.826	am	(P-1669A-8663)
650.250	n	(P-3208A-9478)	260.426	am	(P-8293)	360.827	am	(E-1214)(C-10503)
650.260	n	(P-3208A-9478)	260.427	am	(P-8293)	360.828	am	(P-1669A-8663)
650.270	n	(P-3208A-9478)	260.428	am	(P-8293)	360.829	am	(E-1214)(C-10503)
650.280	n	(P-3208A-9478)	260.429	am	(P-8293)	360.830	am	(P-1669A-8663)
650.290	n	(P-3208A-9478)	260.430	am	(P-8293)	360.831	am	(E-1214)(C-10503)
650.300	n	(P-3208A-9478)	260.431	am	(P-8293)	360.832	am	(P-1669A-8663)
650.310	n	(P-3208A-9478)	260.432	am	(P-8293)	360.833	am	(E-1214)(C-10503)
650.320	n	(P-3208A-9478)	260.433	am	(P-8293)	360.834	am	(P-1669A-8663)
650.330	n	(P-3208A-9478)	260.434	am	(P-8293)	360.835	am	(E-1214)(C-10503)
650.340	n	(P-3208A-9478)	260.435	am	(P-8293)	360.836	am	(P-1669A-8663)
650.350	n	(P-3208A-9478)	260.436	am	(P-8293)	360.837	am	(E-1214)(C-10503)
650.360	n	(P-3208A-9478)	260.437	am	(P-8293)	360.838	am	(P-1669A-8663)
650.370	n	(P-3208A-9478)	260.438	am	(P-8293)	360.839	am	(E-1214)(C-10503)
650.380	n	(P-3208A-9478)	260.439	am	(P-8293)	360.840	am	(P-1669A-8663)
650.390	n	(P-3208A-9478)	260.440	am	(P-8293)	360.841	am	(E-1214)(C-10503)
650.400	n	(P-3208A-9478)	260.441	am	(P-8293)	360.842	am	(P-1669A-8663)
650.410	n	(P-3208A-9478)	260.442	am	(P-8293)	360.843	am	(E-1214)(C-10503)
650.420	n	(P-3208A-9478)	260.443	am	(P-8293)	360.844	am	(P-1669A-8663)
650.430	n	(P-3208A-9478)	260.444	am	(P-8293)	360.845	am	(E-1214)(C-10503)
650.440	n	(P-3208A-9478)	260.445	am	(P-8293)	360.846	am	(P-1669A-8663)
650.450	n	(P-3208A-9478)	260.446	am	(P-8293)	360.847	am	(E-1214)(C-10503)
650.460	n	(P-3208A-9478)	260.447	am	(P-8293)	360.848	am	(P-1669A-8663)
650.470	n	(P-3208A-9478)	260.448	am	(P-8293)	360.849	am	(E-1214)(C-10503)
650.480	n	(P-3208A-9478)	260.449	am	(P-8293)	360.850	am	(P-1669A-8663)
650.490	n	(P-3208A-9478)	260.450	am	(P-8293)	360.851	am	(E



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365.401	n	(P-956(A-863))	600.50	am	(P-19834/93(A-2238))	2012.140	n
		(E-1596(C-10503))	700.100		(P-11279/93(A-2238))	2012.150	n
365.402	n	(P-956(A-863))	700.110	am	(P-11279/93(A-2238))	2012.150	am
		(E-1596(C-10503))	700.200		(P-11279/93(A-2238))	2012.150	am
365.403	n	(P-956(A-863))	700.205	am	(P-14213)	2012.150	am
		(E-1596(C-10503))	700.207	am	(P-8320)	2013.10	am
365.404	n	(P-956(A-863))	700.209	am	(P-8320)	2013.20	am
		(E-1596(C-10503))	700.211	am	(P-8320)	2013.30	am
365.405	n	(P-956(A-863))	700.213	am	(P-8320)	2013.40	am
		(E-1596(C-10503))	700.220	am	(P-8320)	2013.50	am
365.501	n	(P-956(A-863))	700.221	am	(P-8320)	2013.60	am
		(E-1596(C-10503))	700.222	am	(P-8320)	2013.70	am
365.502	n	(P-956(A-863))	700.223	am	(P-37(A-12777))	2017.10	n
		(E-1596(C-10503))	700.224	am	(P-37(A-12777))	2017.20	n
365.503	n	(P-956(A-863))	700.225	am	(P-37(A-12777))	2017.30	n
		(E-1596(C-10503))	700.226	am	(P-37(A-12777))	2017.40	n
365.504	n	(P-956(A-863))	700.227	am	(P-37(A-12777))	2017.50	n
		(E-1596(C-10503))	700.228	am	(P-37(A-12777))	2017.60	n
365.505	n	(P-956(A-863))	700.250	am	(P-37(A-12777))	2017.70	n
		(E-1596(C-10503))	700.252	am	(P-37(A-12777))	2017.80	n
365.506	n	(P-956(A-863))	700.260	am	(P-37(A-12777))	2017.90	n
		(E-1596(C-10503))	700.265	am	(P-37(A-12777))	2018.00	n
365.507	n	(P-956(A-863))	700.270	am	(P-37(A-12777))	2018.10	n
		(E-1596(C-10503))	700.275	am	(P-37(A-12777))	2018.20	n
365.508	n	(P-956(A-863))	700.280	am	(P-37(A-12777))	2018.30	n
		(E-1596(C-10503))			(P-37(A-12777))	2018.40	n
365.601	n	(P-956(A-863))			(P-37(A-12777))	2018.50	n
		(E-1596(C-10503))			(P-37(A-12777))	2018.60	n
365.602	n	(P-956(A-863))	854.20	am	(P-37(A-12777))	2018.70	n
		(E-1596(C-10503))	854.30	am	(P-37(A-12777))	2018.80	n
365.603	n	(P-956(A-863))	854.40	am	(P-37(A-12777))	2018.90	n
		(E-1596(C-10503))	854.50	am	(P-37(A-12777))	2019.00	n
365.604	n	(P-956(A-863))	855.10	am	(P-37(A-12777))	2019.10	n
		(E-1596(C-10503))	855.20	am	(P-37(A-12777))	2019.20	n
365.701	n	(P-956(A-863))	855.30	am	(P-37(A-12777))	2019.30	n
		(E-1596(C-10503))	855.40	am	(P-37(A-12777))	2019.40	n
365.702	n	(P-956(A-863))	855.50	am	(P-37(A-12777))	2019.50	n
		(E-1596(C-10503))	855.60	am	(P-37(A-12777))	2019.60	n
365.703	n	(P-956(A-863))	855.70	am	(P-37(A-12777))	2019.70	n
		(E-1596(C-10503))	855.80	am	(P-37(A-12777))	2019.80	n
365.704	n	(P-956(A-863))	855.90	am	(P-37(A-12777))	2019.90	n
		(E-1596(C-10503))	856.00	am	(P-37(A-12777))	2020.00	n
365.801	n	(P-956(A-863))	856.10	am	(P-37(A-12777))	2020.10	n
		(E-1596(C-10503))	856.20	am	(P-37(A-12777))	2020.20	n
365.901	n	(P-956(A-863))	856.30	am	(P-37(A-12777))	2020.30	n
		(E-1596(C-10503))	856.40	am	(P-37(A-12777))	2020.40	n
365.1001	n	(P-956(A-863))	856.50	am	(P-37(A-12777))	2020.50	n
		(E-1596(C-10503))	856.60	am	(P-37(A-12777))	2020.60	n
365.1002	n	(P-956(A-863))	856.70	am	(P-37(A-12777))	2020.70	n
		(E-1596(C-10503))	856.80	am	(P-37(A-12777))	2020.80	n
365.1101	n	(P-956(A-863))	856.90	am	(P-37(A-12777))	2020.90	n
		(E-1596(C-10503))	857.00	am	(P-37(A-12777))	2021.00	n
365.1102	n	(P-956(A-863))	857.10	am	(P-37(A-12777))	2021.10	n
		(E-1596(C-10503))	857.20	am	(P-37(A-12777))	2021.20	n
365.1103	n	(P-956(A-863))	857.30	am	(P-37(A-12777))	2021.30	n
		(E-1596(C-10503))	857.40	am	(P-37(A-12777))	2021.40	n
365.1104	n	(P-956(A-863))	857.50	am	(P-37(A-12777))	2021.50	n
		(E-1596(C-10503))	857.60	am	(P-37(A-12777))	2021.60	n
365.1201	n	(P-956(A-863))	857.70	am	(P-37(A-12777))	2021.70	n
		(E-1596(C-10503))	857.80	am	(P-37(A-12777))	2021.80	n
365.1202	n	(P-956(A-863))	857.90	am	(P-37(A-12777))	2021.90	n
		(E-1596(C-10503))	858.00	am	(P-37(A-12777))	2022.00	n
365.1203	n	(P-956(A-863))	858.10	am	(P-37(A-12777))	2022.10	n
		(E-1596(C-10503))	858.20	am	(P-37(A-12777))	2022.20	n
365.1204	n	(P-956(A-863))	858.30	am	(P-37(A-12777))	2022.30	n
		(E-1596(C-10503))	858.40	am	(P-37(A-12777))	2022.40	n
365.1205	n	(P-956(A-863))	858.50	am	(P-37(A-12777))	2022.50	n
		(E-1596(C-10503))	858.60	am	(P-37(A-12777))	2022.60	n

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2520.440	am	(P-9821)	2765.45	am	(P-9094(A-14952))	258.260	n	(P-8795)
2520.450	r	(P-9821)	2765.68	am	(P-9094(A-14952))	258.270	n	(P-8795)
2520.460	r	(P-9821)	2770.100	am	(P-17628/93(A-250))	258.280	n	(P-8795)
2520.470	r	(P-9821)	2770.105	am	(P-17628/93(A-250))	258.290	n	(P-8795)
2520.480	r	(P-9821)	2770.110	am	(P-17628/93(A-250))	258.300	n	(P-8795)
2520.510	am	(P-9821)			(P-14206)	258.320	n	(P-8795)
2520.520	r	(P-9821)	2865.130	am	(P-19421/93(A-4160))	258.330	n	(P-8795)
2520.530	r	(P-9821)	2915.40	n	(P-19415/93(A-4154))	258.340	n	(P-8795)
2520.540	r	(P-9821)	2915.43	n	(P-19415/93(A-4154))	258.350	n	(P-8795)
2520.550	n	(P-9821)	2915.45	n	(P-19415/93(A-4154))	258.360	n	(P-8795)
2520.560	n	(P-9821)	2915.47	n	(P-19415/93(A-4154))	258.370	n	(P-8795)
2520.570	n	(P-9821)	2920.65	am	(P-19427/93(A-4166))	258.380	n	(P-8795)
2520.610	am	(P-9821)	2920.70	am	(P-19427/93(A-4166))	258.390	n	(P-8795)
2520.620	am	(P-9821)	2920.75	am	(P-9075(A-14935))	258.400	n	(P-8795)
2520.630	am	(P-9821)	2960.210	n	(P-9075(A-14935))	258.410	n	(P-8795)
2520.640	am	(P-9821)	2960.220	n	(P-9075(A-14935))	258.420	n	(P-8795)
2520.650	am	(P-9821)	2960.230	n	(P-9075(A-14935))	258.430	n	(P-8795)
2520.660	am	(P-9821)	2960.240	n	(P-9075(A-14935))	258.440	n	(P-8795)
2520.680	am	(P-9821)	2960.250	n	(P-9075(A-14935))	258.450	n	(P-8795)
2520.690	am	(P-9821)	2960.260	n	(P-9075(A-14935))	258.460	n	(P-8795)
2520.700	am	(P-9821)	2960.270	am	(P-9075(A-14935))	258.470	n	(P-8795)
2520.710	am	(P-9821)	2960.280	am	(P-9075)	258.480	n	(E-15167)
2520.720	am	(P-9821)	2960.290	am	(P-9075)	258.490	am	(P-22128/93(A-8061))
2520.730	am	(P-9821)	2960.300	am	(P-9075)	258.500	am	(P-11696)
2520.740	am	(P-9821)	2960.310	am	(P-9075)	258.510	n	(P-22128/93(A-8061))
2520.750	am	(P-9821)	2960.320	am	(P-9075)	258.520	n	(P-22128/93(A-8061))
2520.760	am	(P-9821)	2960.330	am	(P-9075)	258.530	n	(P-22128/93(A-8061))
2520.770	am	(P-9821)	2960.340	am	(P-9075)	258.540	n	(P-22128/93(A-8061))
2520.780	am	(P-9821)	2960.350	am	(P-9075)	258.550	n	(P-22128/93(A-8061))
2520.790	am	(P-9821)	2960.360	am	(P-9075)	258.560	n	(P-22128/93(A-8061))
2520.800	am	(P-9821)	2960.370	am	(P-9075)	258.570	n	(P-22128/93(A-8061))
2520.810	am	(P-9821)	2960.380	am	(P-9075)	258.580	n	(P-22128/93(A-8061))
2520.820	am	(P-9821)	2960.390	am	(P-9075)	258.590	n	(P-22128/93(A-8061))
2520.830	am	(P-9821)	2960.400	am	(P-9075)	258.600	n	(P-22128/93(A-8061))
2520.840	am	(P-9821)	2960.410	am	(P-9075)	258.610	n	(P-22128/93(A-8061))
2520.850	am	(P-9821)	2960.420	am	(P-9075)	258.620	n	(P-22128/93(A-8061))
2520.860	am	(P-9821)	2960.430	am	(P-9075)	258.630	n	(P-22128/93(A-8061))
2520.870	am	(P-9821)	2960.440	am	(P-9075)	258.640	n	(P-22128/93(A-8061))
2520.880	am	(P-9821)	2960.450	am	(P-9075)	258.650	n	(P-22128/93(A-8061))
2520.890	am	(P-9821)	2960.460	am	(P-9075)	258.660	n	(P-22128/93(A-8061))
2520.900	am	(P-9821)	2960.470	am	(P-9075)	258.670	n	(P-22128/93(A-8061))
2520.910	am	(P-9821)	2960.480	am	(P-9075)	258.680	n	(P-22128/93(A-8061))
2520.920	am	(P-9821)	2960.490	am	(P-9075)	258.690	n	(P-22128/93(A-8061))
2520.930	am	(P-9821)	2960.500	am	(P-9075)	258.700	n	(P-22128/93(A-8061))
2520.940	am	(P-9821)	2960.510	am	(P-9075)	258.710	n	(P-22128/93(A-8061))
2520.950	am	(P-9821)	2960.520	am	(P-9075)	258.720	n	(P-22128/93(A-8061))
2520.960	am	(P-9821)	2960.530	am	(P-9075)	258.730	n	(P-22128/93(A-8061))
2520.970	am	(P-9821)	2960.540	am	(P-9075)	258.740	n	(P-22128/93(A-8061))
2520.980	am	(P-9821)	2960.550	am	(P-9075)	258.750	n	(P-22128/93(A-8061))
2520.990	am	(P-9821)	2960.560	am	(P-9075)	258.760	n	(P-22128/93(A-8061))
2521.000	am	(P-9821)	2960.570	am	(P-9075)	258.770	n	(P-22128/93(A-8061))
2521.010	am	(P-9821)	2960.580	am	(P-9075)	258.780	n	(P-22128/93(A-8061))
2521.020	am	(P-9821)	2960.590	am	(P-9075)	258.790	n	(P-22128/93(A-8061))
2521.030	am	(P-9821)	2960.600	am	(P-9075)	258.800	am	(P-22128/93(A-8061))
2521.040	am	(P-9821)	2960.610	am	(P-9075)	258.810	am	(P-22128/93(A-8061))
2521.050	am	(P-9821)	2960.620	am	(P-9075)	258.820	am	(P-22128/93(A-8061))
2521.060	am	(P-9821)	2960.630	am	(P-9075)	258.830	am	(P-22128/93(A-8061))
2521.070	am	(P-9821)	2960.640	am	(P-9075)	258.840	am	(P-22128/93(A-8061))
2521.080	am	(P-9821)	2960.650	am	(P-9075)	258.850	am	(P-22128/93(A-8061))
2521.090	am	(P-9821)	2960.660	am	(P-9075)	258.860	am	(P-22128/93(A-8061))
2521.100	am	(P-9821)	2960.670	am	(P-9075)	258.870	am	(P-22128/93(A-8061))
2521.110	am	(P-9821)	2960.680	am	(P-9075)	258.880	am	(P-22128/93(A-8061))
2521.120	am	(P-9821)	2960.690	am	(P-9075)	258.890	am	(P-22128/93(A-8061))
2521.130	am	(P-9821)	2960.700	am	(P-9075)	258.900	am	(P-22128/93(A-8061))
2521.140	am	(P-9821)	2960.710	am	(P-9075)	258.910	am	(P-22128/93(A-8061))
2521.150	am	(P-9821)	2960.720	am	(P-9075)	258.920	am	(P-22128/93(A-8061))
2521.160	am	(P-9821)	2960.730	am	(P-9075)	258.930	am	(P-22128/93(A-8061))
2521.170	am	(P-9821)	2960.740	am	(P-9075)	258.940	am	(P-22128/93(A-8061))
2521.180	am	(P-9821)	2960.750	am	(P-9075)	258.950	am	(P-22128/93(A-8061))
2521.190	am	(P-9821)	2960.760	am	(P-9075)	258.960	am	(P-22128/93(A-8061))
2521.200	am	(P-9821)	2960.770	am	(P-9075)	258.970	am	(P-22128/93(A-8061))
2521.210	am	(P-9821)	2960.780	am	(P-9075)	258.980	am	(P-22128/93(A-8061))
2521.220	am	(P-9821)	2960.790	am	(P-9075)	258.990	am	(P-22128/93(A-8061))
2521.230	am	(P-9821)	2960.800	am	(P-9075)	258.000	am	(P-22128/93(A-8061))
2521.240	am	(P-9821)	2960.810	am	(P-9075)	258.010	am	(P-22128/93(A-8061))
2521.250	am	(P-9821)	2960.820	am	(P-9075)	258.020	am	(P-22128/93(A-8061))
2521.260	am	(P-9821)	2960.830	am	(P-9075)	258.030	am	(P-22128/93(A-8061))
2521.270	am	(P-9821)	2960.840	am	(P-9075)	258.040	am	(P-22128/93(A-8061))
2521.280	am	(P-9821)	2960.850	am	(P-9075)	258.050	am	(P-22128/93(A-8061))
2521.290	am	(P-9821)	2960.860	am	(P-9075)	258.060	am	(P-22128/93(A-8061))
2521.300	am	(P-9821)	2960.870	am	(P-9075)	258.070	am	(P-22128/93(A-8061))
2521.310	am	(P-9821)	2960.880	am	(P-9075)	258.080	am	(P-22128/93(A-8061))
2521.320	am	(P-9821)	2960.890	am	(P-9075)	258.090	am	(P-22128/93(A-8061))
2521.330	am	(P-9821)	2960.900	am	(P-9075)	258.100	am	(P-22128/93(A-8061))
2521.340	am	(P-9821)	2960.910	am	(P-9075)	258.110	am	(P-22128/93(A-8061))
2521.350	am	(P-9821)	2960.920	am	(P-9075)	258.120	am	(P-22128/93(A-8061))
2521.360	am	(P-9821)	2960.930	am	(P-9075)	258.130	am	(P-22128/93(A-8061))
2521.370	am	(P-9821)	2960.940	am	(P-9075)	258.140	am	(P-22128/93(A-8061))
2521.380	am	(P-9821)	2960.950	am	(P-9075)	258.150	am	(P-22128/93(A-8061))
2521.390	am	(P-9821)	2960.960	am	(P-9075)	258.160	am	(P-22128/93(A-8061))
2521.400	am	(P-9821)	2960.970	am	(P-9075)	258.170	am	(P-22128/93(A-8061))
2521.410	am	(P-9821)	2960.980	am	(P-9075)	258.180	am	(P-22128/93(A-8061))
2521.420	am	(P-9821)	2960.990	am	(P-9075)	258.190	am	(P-22128/93(A-8061))
2521.430	am	(P-9821)	2961.000	am	(P-9075)	258.200	am	(P-22128/93(A-8061))
2521.440	am	(P-9821)	2961.010	am	(P-9075)	258.210	am	(P-22128/93(A-8061))
2521.450	am	(P-9821)	2961.020	am	(P-9075)	258.220	am	(P-22128/93(A-8061))
2521.460	am	(P-9821)	2961.030	am	(P-9075)	258.230	am	(P-22128/93(A-8061))
2521.470	am	(P-9821)	2961.040	am	(P-9075)	258.240	am	(P-22128/93(A-8061))
2521.480	am	(P-9821)	2961.050	am	(P-9075)	258.250	am	(P-22128/93(A-8061))
2521.490	am	(P-9821)	2961.060	am	(P-9075)	258.260	am	(P-22128/93(A-8061))
2521.500	am	(P-9821)	2961.070	am	(P-9075)	258.270	am	(P-22128/93(A-8061))
2521.510	am	(P-9821)	2961.080	am	(P-9075)	258.280	am	(P-22128/93(A-8061))
2521.520	am	(P-9821)	2961.090	am	(P-9075)	258.290	am	(P-22128/93(A-8061))
2521.530	am	(P-9821)	2961.100	am	(P-9075)	258.300	am	(P-22128/93(A-8061))
2521.540	am	(P-9821)	2961.110	am	(P-9075)	258.310	am	(P-22128/93(A-8061))
2521.550	am	(P-9821)	2961.120	am	(P-9075)	258.320	am	(P-22128/93(A-8061))
2521.560	am	(P-9821)	2961.130	am	(P-9075)	258.330	am	(P-22128/93(A-8061))
2521.570	am	(P-9821)	2961.140	am	(P-9075)	258.340	am	(P-22128/93(A-8061))
2521.580	am	(P-9821)	2961.150	am	(P-9075)	258.350	am	(P-22128/93(A-8061))
2521.590	am	(P-9821)	2961.160	am	(P-9075)	258.360	am	(P-22128/93(A-8061))
2521.600	am	(P-9821)	2961.170	am	(P-9075)	258.370	am	(P-22128/93(A-8061))
2521.610	am	(P-9821)	2961.180	am	(P-9075)	258.380	am	(P-22128/93(A-8061))
2521.620	am	(P-9821)	2961.190	am	(P-9075)	258.390	am	(P-22128/93(A-8061))
2521.630	am	(P-9821)	2961.200	am	(P-9075)	258.400	am	(P-22128/93(A-8061))
2521.640	am	(P-9821)	2961.210	am	(P-9075)	258.410	am	(P-22128/93(A-8061))
2521.650	am	(P-9821)	2961.220	am	(P-9075)	258.420	am	(P-22128/93(A-8061))
2521.660	am	(P-9821)	2961.230	am	(P-9075)	258.430	am	(P-22128/93(A-8061))
2521.670	am	(P-9821)	2961.240	am	(P-9075)	258.440	am	(P-22128/93(A-8061))
2521.680	am	(P-9821)	2961.250	am	(P-9075)	258.450	am	(P-22128/93(A-8061))
2521.690	am	(P-9821)	2961.260	am	(P-9075)	258.460	am	(P-22128/93(A-8061))
2521.700	am	(P-9821)	2961.270	am	(P-9			







(Title 77, con't)

340.1460	n	(E-10391)(P-2955)	390.200	n	(P-8572)	594.110	n	(P-8572)	600.320	n	(P-14806)(93-A-4276)	615.200	n	(P-17798)(93-A-4320)	672.100	am	(P-12228)(93-A-2450)
340.1470	n	(E-10391)(P-2955)	390.270	n	(P-11771)	594.120	n	(P-8572)	600.330	n	(P-14831)(93-A-4422)	615.210	n	(P-17798)(93-A-4320)	672.105	am	(P-14308)
340.1480	n	(E-10391)(P-2955)	390.282	am	(P-12126)(93-A-1453)	594.130	n	(P-8572)	600.340	n	(P-14806)(93-A-4276)	615.220	n	(P-17798)(93-A-4320)	672.115	am	(P-12228)(93-A-2450)
340.1490	n	(E-10391)(P-2955)	390.330	n	(P-11771)	594.140	n	(P-8572)	600.350	n	(P-14831)(93-A-4422)	615.230	n	(P-17798)(93-A-4320)	672.115	am	(E-13125)(P-14308)
340.1510	n	(E-10391)(P-2955)	390.640	am	(P-4924)	594.150	n	(P-8572)	600.400	n	(P-14806)(93-A-4276)	615.300	n	(P-17798)(93-A-4320)	672.115	am	(P-12228)(93-A-2450)
340.1520	n	(E-10391)(P-2955)	390.1040	am	(P-11771)	594.200	n	(P-8572)	600.400	n	(P-14806)(93-A-4276)	615.310	n	(P-17798)(93-A-4320)	672.205	am	(P-14308)
340.1530	n	(E-10391)(P-2955)	390.1310	am	(P-11771)	594.210	n	(P-8572)	600.410	n	(P-14831)(93-A-4422)	615.310	n	(P-17798)(93-A-4320)	672.205	am	(P-12228)(93-A-2450)
340.1540	n	(E-10391)(P-2955)	390.1312	am	(P-11771)	594.220	n	(P-8572)	600.410	n	(P-14806)(93-A-4276)	615.320	n	(P-17798)(93-A-4320)	672.210	am	(P-14308)
340.1550	n	(E-10391)(P-2955)	390.1314	n	(P-11771)	594.230	n	(P-8572)	600.420	n	(P-14831)(93-A-4422)	615.330	n	(P-17798)(93-A-4320)	672.210	am	(P-12228)(93-A-2450)
340.1560	n	(E-10391)(P-2955)	390.1316	am	(P-11771)	594.240	n	(P-8572)	600.500	n	(P-14831)(93-A-4422)	615.330	n	(P-17798)(93-A-4320)	672.220	am	(P-14308)
340.1570	n	(E-10391)(P-2955)	390.1320	am	(P-11771)	594.300	n	(P-8572)	600.500	n	(P-14806)(93-A-4276)	615.340	n	(P-17798)(93-A-4320)	672.220	am	(E-13125)(P-14308)
340.1580	n	(E-10391)(P-2955)	390.1330	am	(P-11771)	594.400	n	(P-8572)	600.510	n	(P-14831)(93-A-4422)	615.340	n	(P-17798)(93-A-4320)	672.225	am	(P-12228)(93-A-2450)
340.1590	n	(E-10391)(P-2955)	390.1420	am	(P-11771)	594.410	n	(P-8572)	600.510	n	(P-14806)(93-A-4276)	615.350	n	(P-17798)(93-A-4320)	672.225	am	(P-14308)
340.1600	n	(E-10391)(P-2955)	390.2660	am	(P-4924)	594.420	n	(P-8572)	600.600	n	(P-14831)(93-A-4422)	615.360	n	(P-17798)(93-A-4320)	672.300	am	(P-12228)(93-A-2450)
340.1610	n	(E-10391)(P-2955)	390.3260	am	(P-11771)	594.430	n	(P-8572)	600.610	n	(P-14831)(93-A-4422)	615.370	n	(P-17798)(93-A-4320)	672.310	am	(P-12228)(93-A-2450)
340.1620	n	(E-10391)(P-2955)	390.3260	am	(P-11771)	594.440	n	(P-8572)	600.700	n	(P-14831)(93-A-4422)	615.380	n	(P-17798)(93-A-4320)	672.315	r	(E-13125)(P-14308)
340.1630	n	(E-10391)(P-2955)	420.1	r	(P-103)	594.300	n	(P-8572)	600.710	n	(P-14831)(93-A-4422)	615.380	n	(P-17798)(93-A-4320)	672.405	am	(P-12228)(93-A-2450)
340.1700	n	(E-10391)(P-2955)	420.2	r	(P-103)	596.100	n	(P-3086)(A-11971)	600.720	n	(P-14831)(93-A-4422)	615.400	n	(P-17798)(93-A-4320)	672.415	am	(P-12228)(93-A-2450)
340.1710	n	(E-10391)(P-2955)	420.20	r	(P-103)	596.200	n	(P-3086)(A-11971)	600.740	n	(P-14831)(93-A-4422)	615.410	n	(P-17798)(93-A-4320)	672.415	am	(E-13125)(P-14308)
340.1720	n	(E-10391)(P-2955)	420.20	r	(P-103)	596.30	n	(P-3086)(A-11971)	600.800	n	(P-14831)(93-A-4422)	615.400	n	(P-17798)(93-A-4320)	672.425	am	(P-12228)(93-A-2450)
340.1730	n	(E-10391)(P-2955)	420.30	r	(P-103)	596.40	n	(P-3086)(A-11971)	600.810	n	(P-14831)(93-A-4422)	615.410	n	(P-17798)(93-A-4320)	672.435	am	(P-12228)(93-A-2450)
340.1800	n	(E-10391)(P-2955)	420.40	r	(P-103)	596.100	n	(P-3086)(A-11971)	600.820	n	(P-14831)(93-A-4422)	615.530	r	(P-17798)(93-A-4320)	672.445	am	(E-13125)(P-14308)
340.1810	n	(E-10391)(P-2955)	420.50	r	(P-103)	596.120	n	(P-3086)(A-11971)	600.830	n	(P-14831)(93-A-4422)	615.550	r	(P-17798)(93-A-4320)	672.445	am	(P-12228)(93-A-2450)
340.1820	n	(E-10391)(P-2955)	420.60	r	(P-103)	596.130	n	(P-3086)(A-11971)	600.900	n	(P-14831)(93-A-4422)	615.560	r	(P-17798)(93-A-4320)	672.450	am	(E-13125)(P-14308)
340.1830	n	(E-10391)(P-2955)	420.61	r	(P-103)	596.140	n	(P-3086)(A-11971)	600.910	n	(P-14831)(93-A-4422)	615.620	r	(P-17798)(93-A-4320)	672.505	am	(P-12228)(93-A-2450)
340.1840	n	(E-10391)(P-2955)	505.10	n	(P-13631)(93-A-533)	596.140	n	(P-3086)(A-11971)	600.930	n	(P-14831)(93-A-4422)	615.630	r	(P-17798)(93-A-4320)	672.510	am	(E-13125)(P-14308)
340.1860	n	(E-10391)(P-2955)	505.20	n	(P-13631)(93-A-533)	596.200	n	(P-3086)(A-11971)	600.100	n	(P-14831)(93-A-4422)	615.700	r	(P-17798)(93-A-4320)	672.515	am	(P-12228)(93-A-2450)
340.1910	n	(E-10391)(P-2955)	505.30	n	(P-13631)(93-A-533)	596.210	n	(P-3086)(A-11971)	600.110	n	(P-14831)(93-A-4422)	615.710	r	(P-17798)(93-A-4320)	672.520	am	(E-13125)(P-14308)
340.1920	n	(E-10391)(P-2955)	505.40	n	(P-13631)(93-A-533)	596.220	n	(P-3086)(A-11971)	600.120	n	(P-14831)(93-A-4422)	615.720	r	(P-17798)(93-A-4320)	672.520	am	(P-12228)(93-A-2450)
340.1930	n	(E-10391)(P-2955)	505.50	n	(P-13631)(93-A-533)	596.230	n	(P-3086)(A-11971)	600.130	n	(P-14831)(93-A-4422)	615.740	r	(P-17798)(93-A-4320)	672.525	am	(E-13125)(P-14308)
340.1940	n	(E-10391)(P-2955)	505.50	n	(P-13631)(93-A-533)	596.240	n	(P-3086)(A-11971)	600.140	n	(P-14831)(93-A-4422)	615.750	r	(P-17798)(93-A-4320)	672.525	am	(P-12228)(93-A-2450)
340.1950	n	(E-10391)(P-2955)	535.150	am	(P-19846)(93-A-14375)	596.300	n	(P-3086)(A-11971)	600.170	n	(P-14831)(93-A-4422)	615.770	r	(P-17798)(93-A-4320)	672.600	r	(E-13125)(P-14308)
340.1960	n	(E-10391)(P-2955)	535.160	am	(P-19846)(93-A-14375)	596.310	n	(P-3086)(A-11971)	600.180	n	(P-14831)(93-A-4422)	615.800	r	(P-17798)(93-A-4320)	672.605	am	(P-12228)(93-A-2450)
340.2000	n	(E-10391)(P-2955)	535.210	am	(P-19846)(93-A-14375)	596.320	n	(P-3086)(A-11971)	600.190	n	(P-14831)(93-A-4422)	615.810	r	(P-17798)(93-A-4320)	672.610	am	(E-13125)(P-14308)
340.2010	n	(E-10391)(P-2955)	535.217	am	(P-19846)(93-A-14375)	596.330	n	(P-3086)(A-11971)	600.190	n	(P-14831)(93-A-4422)	615.830	r	(P-17798)(93-A-4320)	672.610	am	(P-12228)(93-A-2450)
340.2020	n	(E-10391)(P-2955)	535.330	am	(P-19846)(93-A-14375)	596.340	n	(P-3086)(A-11971)	600.190	n	(P-14831)(93-A-4422)	615.840	r	(P-17798)(93-A-4320)	672.615	am	(E-13125)(P-14308)
340.2030	n	(E-10391)(P-2955)	535.340	am	(P-19846)(93-A-14375)	597.10	am	(P-8590)	600.1160	n	(P-14831)(93-A-4422)	615.850	r	(P-17798)(93-A-4320)	672.620	am	(P-14308)
340.2040	n	(E-10391)(P-2955)	535.440	am	(P-19846)(93-A-14375)	597.110	am	(P-8590)	600.1170	n	(P-14831)(93-A-4422)	615.860	r	(P-17798)(93-A-4320)	672.620	am	(P-12228)(93-A-2450)
340.2050	n	(E-10391)(P-2955)	535.530	am	(P-19846)(93-A-14375)	597.200	am	(P-8590)	600.1200	n	(P-14831)(93-A-4422)	615.870	r	(P-17798)(93-A-4320)	672.625	am	(E-13125)(P-14308)
340.2060	n	(E-10391)(P-2955)	535.540	am	(P-19846)(93-A-14375)	597.220	am	(P-8590)	600.1210	n	(P-14831)(93-A-4422)	615.880	r	(P-17798)(93-A-4320)	672.630	am	(P-12228)(93-A-2450)
340.2070	am	(P-11714)	547.400	n	(P-95-A-6340)	597.300	am	(P-8590)	600.1220	n	(P-14831)(93-A-4422)	615.890	r	(P-17798)(93-A-4320)	672.635	am	(E-13125)(P-14308)
340.2080	am	(P-11714)	547.500	n	(P-95-A-6340)	598.10	n	(P-3077)(A-11931)	600.1300	n	(P-14831)(93-A-4422)	615.900	r	(P-17798)(93-A-4320)	672.640	am	(P-12228)(93-A-2450)
340.2090	am	(P-11714)	547.500	n	(P-95-A-6340)	598.110	n	(P-3077)(A-11931)	600.1400	n	(P-14831)(93-A-4422)	615.910	r	(P-17798)(93-A-4320)	672.645	am	(E-13125)(P-14308)
340.2100	am	(P-12104)(93-A-1432)	535.860	am	(P-19846)(93-A-14375)	598.120	n	(P-3077)(A-11931)	600.1500	n	(P-14831)(93-A-4422)	615.920	r	(P-17798)(93-A-4320)	672.650	am	(P-12228)(93-A-2450)
340.2110	am	(P-12104)(93-A-1432)	535.860	am	(P-19846)(93-A-14375)	598.130	n	(P-3077)(A-11931)	600.1600	n	(P-14831)(93-A-4422)	615.930	r	(P-17798)(93-A-4320)	672.655	am	(E-13125)(P-14308)
340.2120	am	(P-12104)(93-A-1432)	547.100	n	(P-95-A-6340)	598.20	n	(P-3077)(A-11931)	600.1610	n	(P-14831)(93-A-4422)	615.940	r	(P-17798)(93-A-4320)	672.660	am	(P-12228)(93-A-2450)
340.2130	am	(P-12104)(93-A-1432)	547.200	n	(P-95-A-6340)	598.30	n	(P-3077)(A-11931)	600.1700	n	(P-14831)(93-A-4422)	615.950	r	(P-17798)(93-A-4320)	672.665	am	(E-13125)(P-14308)
340.2140	am	(P-12104)(93-A-1432)	547.300	n	(P-95-A-6340)	598.40	n	(P-3077)(A-11931)	600.1800	n	(P-14831)(93-A-4422)	615.960	r	(P-17798)(93-A-4320)	672.670	am	(P-12228)(93-A-2450)
340.2150	am	(P-12104)(93-A-1432)	547.400	n	(P-95-A-6340)	598.50	n	(P-3077)(A-11931)	600.1900	n	(P-14831)(93-A-4422)	615.970	r	(P-17798)(93-A-4320)	672.675	am	(E-13125)(P-14308)
340.2160	am	(P-12104)(93-A-1432)	547.500	n	(P-95-A-6340)	599.10	n	(P-3077)(A-11931)	600.2000	n	(P-14831)(93-A-4422)	615.980	r	(P-17798)(93-A-4320)	672.680	am	(P-12228)(93-A-2450)
340.2170	am	(P-12104)(93-A-1432)	547.600	n	(P-95-A-6340)	599.20	n	(P-3077)(A-11931)	600.2100	n	(P-14831)(93-A-4422)	615.990	r	(P-17798)(93-A-4320)	672.685	am	(E-13125)(P-14308)
340.2180	am	(P-12104)(93-A-1432)	547.700	n	(P-95-A-6340)	599.30	n	(P-3077)(A-11931)	600.2200	n	(P-14831)(93-A-4422)	616.000	r	(P-17798)(93-A-4320)	672.690	am	(P-12228)(93-A-2450)
340.2190	am	(P-12104)(93-A-1432)	547.800	n	(P-95-A-6340)	599.40	n	(P-3077)(A-11931)	600.2300	n	(P-14831)(93-A-4422)	616.010	r	(P-17798)(93-A-4320)	672.695	am	(E-13125)(P-14308)
340.2200	am	(P-12104)(93-A-1432)	547.900	n	(P-95-A-6340)	599.50	n	(P-3077)(A-11931)	600.2400	n	(P-14831)(93-A-4422)	616.020	r	(P-17798)(93-A-4320)	672.700	am	(P-12228)(93-A-2450)
340.2210	am	(P-12104)(93-A-1432)	548.000	n	(P-95-A-6340)	599.60	n	(P-3077)(A-11931)	600.2500	n	(P-14831)(93-A-4422)	616.030	r	(P-17798)(93-A-4320)	672.705	am	(E-13125)(P-14308)
340.2220	am	(P-12104)(93-A-1432)															







Title 80, con't)

1650.640	am	(P-22487/93,A-6349)	410.470	n	(P-14521)	535.510	r	(P-6081)	(P-9377)	500.220	re	(A-4451)	(P-14872)
1650.650	am	(P-22487/93,A-6349)	410.480	n	(P-14521)	590.10	am	(P-2720,A-11518)	(P-14534)	104.104	am	(P-21283/93,A-11260)	
1650.660	am	(P-22487/93,A-6349)	410.490	n	(P-14521)	735.100	am	(P-12483/93,A-4146)	(P-14546)	104.208	am	(P-14615)	
1650.10	am	(P-14521)	735.100	am	(P-14521)	735.100	am	(P-927)	(P-14534)	104.209	am	(P-14613)	
1650.15	am	(P-14521)	735.120	am	(P-14521)	735.120	n	(P-6386/93,A-6164)	(P-14534)	104.210	am	(P-14613)	
1650.20	am	(P-14521)	735.130	am	(P-14521)	735.130	am	(P-937,A-10692)	(P-14534)	104.211	am	(P-14615)	
1650.30	am	(P-14521)	735.140	am	(P-14521)	735.140	am	(P-937,A-10692)	(P-14534)	104.221	am	(P-14613)	
1650.40	am	(P-14521)	735.150	am	(P-14521)	735.150	am	(P-937,A-10692)	(P-14534)	104.244	am	(P-14613)	
1650.50	am	(P-14521)	735.160	am	(P-14521)	735.160	am	(P-937,A-10692)	(P-14534)	111.200	am	(P-2262/93,A-7009)	
1650.60	n	(P-14521)	735.170	am	(P-14521)	735.170	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2262/93,A-7009)	
1650.70	n	(P-14521)	735.180	am	(P-14521)	735.180	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-18764/93,A-2028)	
1650.80	n	(P-14521)	735.190	am	(P-14521)	735.190	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.90	n	(P-14521)	735.200	am	(P-14521)	735.200	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.100	am	(P-14521)	735.210	am	(P-14521)	735.210	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.110	am	(P-14521)	735.220	am	(P-14521)	735.220	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.120	am	(P-14521)	735.230	am	(P-14521)	735.230	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.130	am	(P-14521)	735.240	am	(P-14521)	735.240	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.140	am	(P-14521)	735.250	am	(P-14521)	735.250	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.150	am	(P-14521)	735.260	am	(P-14521)	735.260	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.160	am	(P-14521)	735.270	am	(P-14521)	735.270	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.170	am	(P-14521)	735.280	am	(P-14521)	735.280	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.180	am	(P-14521)	735.290	am	(P-14521)	735.290	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.190	am	(P-14521)	735.300	am	(P-14521)	735.300	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.200	am	(P-14521)	735.310	am	(P-14521)	735.310	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.210	am	(P-14521)	735.320	am	(P-14521)	735.320	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.220	am	(P-14521)	735.330	am	(P-14521)	735.330	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.230	am	(P-14521)	735.340	am	(P-14521)	735.340	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.240	am	(P-14521)	735.350	am	(P-14521)	735.350	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.250	am	(P-14521)	735.360	am	(P-14521)	735.360	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.260	am	(P-14521)	735.370	am	(P-14521)	735.370	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.270	am	(P-14521)	735.380	am	(P-14521)	735.380	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.280	am	(P-14521)	735.390	am	(P-14521)	735.390	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.290	am	(P-14521)	735.400	am	(P-14521)	735.400	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.300	am	(P-14521)	735.410	am	(P-14521)	735.410	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.310	am	(P-14521)	735.420	am	(P-14521)	735.420	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.320	am	(P-14521)	735.430	am	(P-14521)	735.430	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.330	am	(P-14521)	735.440	am	(P-14521)	735.440	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.340	am	(P-14521)	735.450	am	(P-14521)	735.450	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.350	am	(P-14521)	735.460	am	(P-14521)	735.460	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.360	am	(P-14521)	735.470	am	(P-14521)	735.470	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.370	am	(P-14521)	735.480	am	(P-14521)	735.480	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.380	am	(P-14521)	735.490	am	(P-14521)	735.490	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.390	am	(P-14521)	735.500	am	(P-14521)	735.500	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.400	am	(P-14521)	735.510	am	(P-14521)	735.510	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.410	am	(P-14521)	735.520	am	(P-14521)	735.520	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.420	am	(P-14521)	735.530	am	(P-14521)	735.530	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.430	am	(P-14521)	735.540	am	(P-14521)	735.540	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.440	am	(P-14521)	735.550	am	(P-14521)	735.550	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.450	am	(P-14521)	735.560	am	(P-14521)	735.560	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.460	am	(P-14521)	735.570	am	(P-14521)	735.570	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.470	am	(P-14521)	735.580	am	(P-14521)	735.580	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.480	am	(P-14521)	735.590	am	(P-14521)	735.590	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.490	am	(P-14521)	735.600	am	(P-14521)	735.600	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.500	am	(P-14521)	735.610	am	(P-14521)	735.610	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.510	am	(P-14521)	735.620	am	(P-14521)	735.620	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.520	am	(P-14521)	735.630	am	(P-14521)	735.630	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.530	am	(P-14521)	735.640	am	(P-14521)	735.640	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.540	am	(P-14521)	735.650	am	(P-14521)	735.650	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.550	am	(P-14521)	735.660	am	(P-14521)	735.660	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.560	am	(P-14521)	735.670	am	(P-14521)	735.670	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.570	am	(P-14521)	735.680	am	(P-14521)	735.680	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.580	am	(P-14521)	735.690	am	(P-14521)	735.690	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.590	am	(P-14521)	735.700	am	(P-14521)	735.700	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.600	am	(P-14521)	735.710	am	(P-14521)	735.710	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.610	am	(P-14521)	735.720	am	(P-14521)	735.720	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.620	am	(P-14521)	735.730	am	(P-14521)	735.730	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.630	am	(P-14521)	735.740	am	(P-14521)	735.740	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.640	am	(P-14521)	735.750	am	(P-14521)	735.750	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.650	am	(P-14521)	735.760	am	(P-14521)	735.760	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.660	am	(P-14521)	735.770	am	(P-14521)	735.770	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.670	am	(P-14521)	735.780	am	(P-14521)	735.780	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.680	am	(P-14521)	735.790	am	(P-14521)	735.790	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.690	am	(P-14521)	735.800	am	(P-14521)	735.800	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.700	am	(P-14521)	735.810	am	(P-14521)	735.810	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.710	am	(P-14521)	735.820	am	(P-14521)	735.820	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.720	am	(P-14521)	735.830	am	(P-14521)	735.830	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.730	am	(P-14521)	735.840	am	(P-14521)	735.840	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.740	am	(P-14521)	735.850	am	(P-14521)	735.850	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.750	am	(P-14521)	735.860	am	(P-14521)	735.860	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.760	am	(P-14521)	735.870	am	(P-14521)	735.870	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.770	am	(P-14521)	735.880	am	(P-14521)	735.880	am	(P-937,A-10692)	(P-14534)	111.101	am	(P-2753,A-10774)	
1650.780	am	(P-14521)	735.890	am	(P-14521)	735.890	am						











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